

AN ABSTRACT OF THE DISSERTATION OF

Brian P. Kauffman for the degree of Doctor of Philosophy in Education presented on December 8, 2015.

Title: Native American Policing: Leading in a Conflicting and Opposing U.S. Legal System.

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The purpose of this multi-case study was to explore the stories and lived experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between Native American tribal policing and an opposing U.S. legal system. It sought to understand the essence of tribal police chiefs' experiences in working within the U.S. legal system and the extent of conflict that has been created for them. It further sought to examine how tribal police chiefs navigate and provide effective leadership as they work to maintain tribal culture, traditions, and sovereignty within their departments.

This research is of significance because there has been a lack of research directed toward developing tribal police leadership programs that assist police chiefs in navigating through a conflicting and opposing U.S. legal system. Although there have been limited studies on tribal law enforcement, those studies have primarily focused on quantitative data related to crime statistics in Indian Country. This research study gives tribal law enforcement education and training practitioners, and advocacy group's direction in creating tribal leadership trainings that address gaps that exist in Native American police training programs.

The following two questions were used to guide the research: (1) How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them? (2) How do tribal police chiefs maintain and/or support tribal traditions and

culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations?

This research design followed a multi-case study methodology focusing on seven Native American police chiefs who work in departments located in Indian Country across the United States. A multi-case study approach provided an opportunity to compare and contrast the challenges that exist for tribal police chiefs who must work under the mandated U.S. legal system. This research study used five primary data collection methods: (a) in-depth, open-ended interviews; (b) journaling; (c) peer review; (d) member checking; and (e) the review of related documents and archival records. The collection of data resulted in the emergence of following four dominant themes:

1. The U.S. legal system has had a significant influence on the operations of today's tribal police departments and their adherence to tribal culture, tradition, and sovereignty.
2. Tribal police chiefs and their departments have unequal police power and authority in Indian Country.
3. Jurisdictional restrictions created by the U.S. legal system have created complex, confusing, and challenging conflicts for tribal police chiefs.
4. The U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments.

This study revealed that Native American police chiefs are highly dedicated professionals working under an unequal set of legal constraints and restrictive police powers. To allow them to fully administer the leadership duties and responsibilities expected of them by their tribes and peers, tribal police chiefs need access to training and support systems that will assist them in

understanding how to navigate through complex challenges surrounding legal issues and tribal policing power and legal authority.

This research provides clarity for educators, trainers, and tribal law enforcement advocates who are seeking to understand and develop tribal leadership training programs for tribal police chiefs. This research provides insights into the multitude of existing legal system problems that currently are not being addressed through tribal leadership training and education. Hopefully this research will add to the body of knowledge on tribal police leadership and encourage academic and training professionals to actively pursue training initiatives that will support tribal police chiefs as they continue to lead within their tribal police departments.

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Native American Policing:
Leading in a Conflicting and Opposing U.S. Legal System

by
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I understand that my dissertation will become part of the permanent collection of Oregon State University libraries. My signature below authorizes release of my dissertation to any reader upon request.

Brian P. Kauffman, Author

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Chapter One: Focus and Significance

Relatively little attention in Indian Country has been given to police regimes and justice issues, and if tribal communities are to become whole again, they need to manage their own forms of justice, police, and courts systems (Ross & Gould, 2006, p.xi).

Many of today's Native American police departments struggle with the difficult and harsh reality of trying to maintain long-held tribal traditions,¹ culture, and sovereignty while working within an opposing U.S. legal system (Falcone, 2008; Goldberg, 2013; Luna-Firebaugh, 2007). Having been historically created around a complex and often opposing European-based form of justice, many tribal-led police departments continue to experience the negative effects and detrimental consequences that still exist in the modern-day U.S. legal system (Boldt & Long, 1984; Luna-Firebaugh, 2007; Ross & Gould, 2006; Walker, Spohn, & Delone, 2012).

Unlike nontribal law enforcement agencies, which have the authority to handle all types of crimes, tribal law enforcement agencies fall under a maze of conflicting laws, regulations, and restricted tribal jurisdictional authority, which often creates conflicts among tribal, state, and federal law enforcement agencies (Falcone, 2008; Johnson, 1999; Ross & Gould, 2006). In addition, many of today's tribal police departments continue to operate under a conflicting Westernized approach to policing, which is based on a European culture rooted in the "prominent belief of the superiority of one people over another" (Ross & Gould, 2006, p. 4). This cultural belief and approach to policing often comes into direct conflict with traditional tribal values, where it is believed that no human rightly controls the life of another (Boldt & Long, 1984). Operating within conflicting cultural values and legal systems often places tribal

¹Refers to a Native American people's sense of self and how they relate Native American customs, practices, languages, symbols, values, and worldviews to others.

justice officials in the difficult position of potentially having to put the law enforcement needs of the tribe behind the legal mandates of the U.S. legal system (Nielsen & Silverman, 2009).

With a long and difficult history of being in conflict with the cultural and legalistic demands placed on them, past and present examples can be found that illustrate some of the significant challenges and contradictory roles many tribal police agencies have historically faced in following the mandates of the U.S. legal system. Examples range from requiring tribal police agencies to assist in the assimilation of American Indians into a non-Native society by forcible removal of Native children for education in boarding schools to enforcing bans on traditional language and customary religious practices (Davis, 2010; Pritzker, 2000; Regan, 2010). Recent examples include the continued restriction of tribal police departments in exerting full law enforcement authority and sovereignty on tribal lands; lack of understanding of cultural and traditional tribal justice practices; and enforcing bans on dance, guns, land use, and ceremonial practices (Gould, 2002; Ross, 2014).

As top administrators leading today's tribal police departments, many tribal police chiefs² are expected to balance traditions, culture, and sovereignty within a legal system that often contradicts or opposes traditional tribal values, cultural norms, and tribal practices (Barker, 1998; Fletcher, 2007; Luna-Firebaugh, 2007). This challenge is significant for many tribal police chiefs, who recognize that the U.S. legal system has historically been associated with controlling, oppressing, forcefully assimilating, and even eliminating Native American peoples (Blaser, Feit, & Mcrae, 2004; Ross & Gould, 2006). The opposing nature and conflicting mandates of the

² In this study, tribal police chief refers to the tribal-appointed police executive or administrator in charge of the day-to-day operations of a tribal police department.

U.S. legal system has continued to create significant problems for tribal police departments and a tribal police chief's ability to effectively police and promote overall well-being in many tribal communities. While the federal government has invested millions of dollars through Community Oriented Policing Services to offer viable bridges between traditional Indian cultural values and modern non-Indian modes of policing, very little data are available to support improvements to Indian policing, indicating a critical need for additional research on tribal policing efforts (Ross, 2014). To further add to the body of knowledge on tribal policing in Indian Country, this study seeks to find and share those stories and lived experiences that can assist tribal police leaders, educators, trainers, and advocates in bridging significant gaps that have been created with the historical destruction of preexisting tribal legal and law enforcement systems (Brown, 2012).

Research Problem

The ability to maintain and respect tribal traditions, culture, and sovereignty while adhering to a conflicting U.S. criminal justice system within tribal police departments is a significant leadership challenge that is seldom encountered by non-Native police chiefs. Unlike non-Native police chiefs, tribal police chiefs face the unique problem of trying to balance traditional tribal values and traditions with those required of them while working within a Westernized culture, society, and European-based system of justice (Ross & Gould, 2006). Bracey (2006), a professor emeritus of anthropology at John Jay College of Criminal Justice, provided insights into this problem by noting that "individual laws and court decisions continue to weaken those institutions that have the potential to control crime and delinquency among those Indians who remain oriented toward traditional goals and values" (p. 38). With an

extensive history of being used to deliberately undermine and destroy Native American culture and Native institutions, the U.S. legal system continues to create significant conflicts for Indian tribes (Bracey, 2006). These conflicts include ongoing tribal police jurisdictional challenges; the protection of sovereignty rights, police power, and arrest authority; and the ability to adhere to and follow traditional tribal customs and practices.

The ongoing legal restrictions placed on tribal police departments have also resulted in additional challenges for tribal police chiefs, who are often faced with leading within organizations that are viewed by their non-Native policing counterparts as inferior in both staff and operations. Tribal police leadership challenges are uniquely impacted by the fact that many tribal police departments operate within environments of increased social disorganization and higher rates of crime due to frequently changing political policies. Over the past two centuries, this has led to domination, segregation, enculturation, suppression, assimilation, elimination, restitution, and paternalistic protection (Falcone, 2008).

Working within two opposing and contradictory legal and cultural systems has set the stage for both individual and organizational conflict, particularly among those Native peoples who must work in both the Native and European-based legal systems and cultures (Luna-Firebaugh, 2007; Ross & Gould, 2006). This study explored the extent of these systemic legal and cultural conflicts and the unique tribal police leadership challenges that they present for Native tribal police chiefs.

Research Purpose and Questions

The propose of this study was to explore the stories and lived experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between

Native American tribal policing and an opposing U.S. legal system. It sought to understand the essence of tribal police chiefs' experiences working within the U.S. legal system and the extent of conflict that has been created for them. It further sought to examine how tribal police chiefs navigate and provide effective leadership as they work to maintain tribal culture, traditions, and sovereignty within their departments.

The focus of this study was on Native American tribal police chiefs who work in departments that have full policing oversight and authority on tribal lands. It did not include non-Native tribal police chiefs or administrators of tribal agencies that are under the control of non-Native agencies. This research sought to explore, through a multi-case study design, what challenges and obstacles chiefs faced and the leadership approaches and resources they used in addressing those challenges and obstacles. This information is important because tribal and nontribal police administrators, educators, and tribal police leadership trainers can learn from the experiences as presented in the data analysis and conclusion of the study. In this study, two broad and open-ended questions were used as a source to gather and collect data.

The questions asked are appropriate for this study and led to the creation of a description of the experiences and lived experiences of participants (Creswell, 2008; Rubin & Rubin, 2005).

The following two questions guided the research process:

1. How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them? Rationale: This question examines systemic conflicts and challenges that are created for tribal police chiefs as a result of following the U.S. legal system, and the extent of influence that these conflicts and challenges have on them.

2. How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations? Rationale: This question recognizes that tribal police chiefs are instrumental in ensuring that tribal traditions are included in their operations. It seeks to discover how tribal police chiefs provide leadership to overcome systemic conflicts and challenges in order to support and promote tribal traditions, culture, and sovereignty.

The data of this study will contribute to the body of knowledge on tribal policing and share tribal police leadership challenges experienced in working and navigating through the conflicting and opposing U.S. legal system. The results of this research will explore tribal-based leadership approaches that have been used in the administration of tribal-led police departments. The results also will be used to help prepare and equip current and future tribal police chiefs and identify areas in need of additional research. This study will be useful to Native American police chiefs, tribal educators and trainers, and tribal law enforcement advocates work with tribal law enforcement in Indian Country.

Research Significance

This research is significant for the following reasons: (a) the lack of research and need to explore how to develop education and training programs to increase a tribal police chief's ability to provide law enforcement services while adhering to and respecting tribal traditions, culture, and sovereignty; (b) the need to recognize the significant leadership conflicts and challenges facing tribal police chiefs, who must work within an opposing U.S. legal system; (c) the need to

create training resources and opportunities to address tribal leadership challenges; and (d) my personal interest in tribal police leadership and contributing further to this discussion.

Influences of the U.S. legal system on tribal police agencies. There has been a lack of research on Native American policing and the conflicts and opposing challenges that the U.S. legal system has created for tribal police chiefs who operate tribal-led police departments in Indian Country. Native American tribal police departments have a long history of being restricted in exerting their tribal sovereignty and adhering to traditional means of providing social and legal control. Tribal police departments have been forced to assimilate to Western policing practices while operating under a complex and restrictive U.S. legal system. With past assimilation policies of the U.S. government to extinguish Indian culture, the legal system has played an important role in the criminalization of culture for Native Americans (Ross & Gould, 2006; Ross, 1998). While past tribal law enforcement agents recognized the importance of engaging in traditional Native American religious activities to uphold social norms and cultural aspects, dominant cultures viewed those Native American practices differently.

While Native American traditional family values and religious practices were instrumental in creating tribal social control, many of these values and practices were viewed differently by the federal government, which assisted in outlawing the practice of Indian religions that, in some cases, may now be lost forever. Individual traditional U.S. laws and court decisions continue to challenge traditional Native American family values and spiritual practices that are vital for those tribal-led institutions that have historically been tasked with controlling crime and delinquency among those Indians who remain oriented toward traditional goals and values (Fixico, 2008; Freeman & Napier, 2009; Williams, 1999).

Systemic conflicts and challenges in tribal police leadership. Native American tribal police chiefs have the difficult task of trying to maintain culture and long-held tribal traditions within police agencies that have historically been heavily influenced by an often opposing U.S. legal system. Providing effective leadership in this opposing system has potentially created significant leadership conflicts and challenges for chiefs. With these conflicts and challenges, it is likely that tribal police chiefs, like other tribal leaders, are challenged with finding leadership approaches that balance their U.S. legal responsibilities in providing justice services with those tribal traditions, cultural beliefs, and religious practices that the tribal community expects of them. Identifying and developing effective leadership training programs based on the results of this research study is one way to enhance a tribal police chief's ability to ensure that traditions, culture, and sovereignty remain an integral part of tribal policing operations. Training is a fundamental resource that is necessary to keep officers up to date with contemporary policing practices and techniques while providing them with a better understanding of the government and culture of the tribes for which they work (Greene & Gabbidon, 2009).

Personal Interest and Concern

My interest in researching Native American police leadership originates from a long association with developing and delivering tribal training and technical assistance to hundreds of representatives from tribal police departments across the United States. Over the last few years I have seen the disparity that exists within tribal police departments and the frustration that many tribal police chiefs have in trying to protect and serve their local tribal communities. I have also heard many stories of how they have been impacted by the endless legal restrictions that have been placed on them and their inability to incorporate tribal traditions, culture, and sovereignty in

the administration of tribal justice. It is my hope that this study will increase the awareness of the unique leadership challenges and operational legal conflicts facing tribal police chiefs as a result of being placed within two opposing legal systems. I hope to continue efforts to support tribal police chiefs with other researchers and colleagues beyond the completion and publication of this study.

Summary

The intent of this study was to explore the extent of conflict that has been created for tribal police chiefs, who must work within the U.S. legal system while adhering to tribal traditions and culture and maintaining sovereignty within the daily operations of their departments. It also sought to identify how tribal police chiefs balance the conflicts created by the U.S. legal system in order to provide effective tribal-centered leadership to police staff and tribal criminal justice partners, who are expected to promote and follow tribal traditions in the administration of tribal justice.

The premise for this study was based on the following two foundational research questions: (1) How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them? (2) How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations? This study conducted an in-depth examination of the questions, resulting in a great deal of qualitative research information. The primary goal was to collect and relate the information in a way that was respectful and useful for tribal police leaders. To accomplish the purpose of this study and share the research results, the research design chosen for this study was based on the use of a

multiple case study design which was used as a means for sharing the stories and lived experiences of tribal police chiefs, helping to fill a void in the existing literature on the topic.

Chapter Two: Literature Review

The purpose of this literature review was to establish the context for exploring and analyzing the conflicting and opposing U.S. legal system and its implications on tribal police chiefs. Tribal police departments and their top law enforcement administrators historically have been placed in the difficult position of leading within a conflicting, opposing, and contradictory U.S. legal system. The review of literature in this study was conducted through a broad examination of literature in the following three topic areas: (a) the U.S. legal system and Native American justice, (b) the development of Native American policing, and (c) the emerging 21st-century tribal police department. This literature review further explored Native American policing in relationship to a conflicting U.S. legal system imposed on them in the administration of justice. In this study I sought to find, synthesize, and critique what is known about the conflicts that the U.S. legal system has created for tribal police departments, and how chiefs navigate through those conflicts and challenges within their daily operations.

Overview of the Literature

This literature review was designed to provide background information for those unfamiliar with the significant conflicts that the U.S. legal system has created for Native American tribal policing, adding to the existing body of knowledge on tribal police leadership. This review provides evidence for the need of this study (Creswell, 2008), and its purpose was to search for and discover literature that either supports or modifies existing ideas and practices advanced in the literature. This literature review is valuable because there is currently a limited amount of qualitative research on Native American policing and tribal police leadership, including limited research on the constant evolution of the Native American police department

from a traditional tribal-based system to a more complex legal and Westernized system (Barker, 1998; Ross & Gould, 2006).

The lack of research on Native American policing often contributes to the misunderstanding of the significance of Native American police departments and the critical role that the tribal police chief plays in leading a Native American police agency. This review paints a brief portrait of the history and evolution of the U.S. legal system as it has conflicted and opposed modern-day tribes and their tribal police agencies and leaders. This study underlines the need for ongoing and additional research about Native American policing and the leaders' role in providing tribal-centered leadership.

Literature chosen for this study was based on its appropriateness in supporting this review. Because this study sought to describe the many conflicts created by the U.S. legal system on Native American's and their tribal police departments, much of the content was gleaned from professional governmental and Native American-related literature and from historical texts and documents. Given the lack of scholarly research about early Native American policing and the conflicting impacts of the U.S. legal system, many of the articles found reflected descriptions of events in Native American history based on Westernized and non-Native perspectives. These non-Native perspectives may not have accurately described or reflected those views held by Native Americans, which further emphasizes the critical need for this study. This review is intended to inform those seeking to grasp the impact of the U.S. legal system on Native American policing by providing additional information so they can make more informed decisions about current Native American policing practices and the development of leadership training programs to assist tribal police chiefs.

Approach to the Literature

The purpose of this literature review was to interpret, critique, and synthesize what is known about the progression of conflict and opposition created by the U.S. legal system on Native American policing and tribal leadership from the 1600s through the first decade of the 21st century. This review also sought to examine and discuss the role of the tribal police department as it has changed and adapted over time as a result of working within an opposing and contradictory U.S. legal system.

The literature reviewed for this study included books, historical articles, and data from several databases, including Google Scholar, Academic Search Premier, and ERIC. A broad and expanded use of keywords, terms, and phrases was needed due to the limited amount of literature found using the most directly related terms. Keywords used in the searches included: history of Native American policing, the U.S. criminal justice system, tribal police leadership, Native American culture, traditions, sovereignty, Native American reservations, tribal justice, tribal law, and United States history.

The United States Legal System and Native American Justice

A formalized approach to administering justice and policing Native Americans within the United States is a relatively new concept (Ross & Gould, 2006). Historical accounts or references that document and trace conflicts and concerns in judicial practices by Native Americans prior to the colonization of the Americas “are lost to history since most Native groups in America subscribed to a non-literate, oral tradition” (French, 1982, p.2). While few historical accounts and descriptions can be found on traditional Native American social practices and associations to the European-based legal system, those that do exist boast a Westernized, Anglo,

and—to a lesser extent—Spanish influence and therefore suggest that we may never know exactly how the concept of social justice among Native American groups existed (Barker, 1998).

With limited or biased literature specifically related to Native American policing practices prior to colonization, other sources, including anthropological literature, aboriginal, and pre literature, have supplemented our early knowledge on this topic (Barker, 1998). Legal anthropologists agreed that Native peoples have had a lengthy legal history (Hoebel, 1954) that, like the legal histories of other primitive societies, was formed around social controls. Laws were built around decisions according to customs, generally accepted norms, and traditionally accepted conduct (McKay et al., 2009). For indigenous peoples, it is likely that early forms of social control and “policing” for indigenous peoples was established by similar approaches (Ross, 2014).

Prior to the colonization of North America and the establishment of a formalized U.S. legal system, the policing of Native Americans remained an internal matter handled by tribal communities that adhered to traditional practices for social control and the administration of justice (Kethineni, 2010). This method of policing was largely based on a holistic and customary culture in which tribal will, spiritual compacts, rituals, teaching, and beliefs were followed (Barlow, 2000; Ross & Gould, 2006). Unlike the long-held Native American approach, which relied on cooperation and consensus building, the European-based system that would later be imposed on Native Americans relied on punishment and retribution to administer justice and provide social control (Johansen, 1998; Ross & Gould, 2006).

From the beginning, there was a great dilemma on how to administer justice and police Native Americans. The problem that existed was how to police subordinate sovereign tribal

populations in neocolonial democracies, whose state and justice systems were culturally foreign, and how to develop and achieve democratic police systems for Native Americans who did not consent to become members of the state and the justice structures (Kethineni, 2010). In attempts to resolve these early conflicts, three primary approaches emerged: the removal, assimilation, or elimination of the Native populations. First, in pursuing the removal and elimination approaches, which were often the most drastic and controversial solutions (Kathineni, 2010), early efforts to police the removal or elimination of Indians often placed Indians themselves in the difficult and conflicting position of assisting with these efforts. With the assimilation option, Indians again were required to assist in this ongoing and painful practice. The countless problems associated with early attempts to police tribal populations illustrated the significant challenges that have impacted the historical development of modern policing practices (Perry, 2009).

With a long history of being placed in contradictory roles, developing tribal police practices continued to be designed around a legal system of conflicting U.S. law codes, courts, and a nontribal military or police presence that enforced the mandates of the U.S. legal system (Roth, 2011). The continued advancement of a complex and often contradictory U.S. legal system within tribal policing practices perpetuated significant conflicts and oppositions for developing tribal police agencies and Native peoples who constantly worked within conflicting Native and European-based legal systems (Johansen, 1998; Luna-Firebaugh, 2007; Ross & Gould, 2006). Table 1 provides a brief chronological list of major U.S. events that illustrate some of the significant legal implications that occurred over time for Indian tribes.

Table 1

Major U.S. Legal Events in the Evolution of Tribal Justice Administration

Year	Eras
1492–1828	Colonial Period: England entered treaties with tribes, enacted policies to settle and colonize land, granted permission to explore, conquer and convert in the New World. Established the King’s proclamation which literally defined “Indian Country”.
1828–1887	Removal, Reservation and Treaty Era: The United States embarked on an aggressive military campaign through the West relocating tribes to Indian reservations. With the removal of tribes federal policy became that of separating Indians from American settlers into small and remote reservations. Approximately three hundred reservations were established by tribal governments and the United States. Congress ended treaty making with tribes making continued relations through acts of Congress.
1887–1934	Allotment and Assimilation Era: The General Allotment Act also known as the Dawes Act divided or allotted the tribally owned reservation land into individually owned small plots thus removing communally owned lands owned by the entire tribe. The assimilation of Indians became official policy in attempts to civilize “savage” nomadic Indians. Surplus lands not divided up to tribal citizens were sold to non-Indians which created a “checkerboard” effect on Indian reservations.
1934–1945	Indian Reorganization Act: Failing to assimilate Indians, Congress passed the Indian Reorganization Act which stopped the sales or loss of remaining Indian allotments. The IRA assisted tribes in regaining control and helping them to begin functioning as governments. Tribes were encouraged to form tribal corporations and create economic development.
1945–1968	Termination Era: Adapted federal policy to again attempt to assimilate Indians. Congress determined that federal recognition and assistance to more than a 100 tribes should be terminated. PL 280 created state civil and criminal jurisdiction (1953) over Indian country in certain states and created economic disaster for many tribes.
1968–Present	Self Determination Era: Congress ended the termination era and restored most of the 109 tribes to full federal recognition and returned full government-to-government political relationship with the United States.

Note. Reproduced from *An Introduction to Indian Nations in the United States*, by permission of the National Congress of American Indians.

History of conflict and opposition of the U.S. legal system. Historical accounts of the conflict and opposition created by the U.S. legal system presents an important component in the development and administration of tribal policing. In the early administration of tribal justice and law enforcement practices, the U.S. legal system clearly supported the 19th-century national policy of “civilizing” Indian tribes, including the forced adoption of Euro-American law enforcement practices (Wells & Falcone, 2008). From its inception, the U.S. legal system has created significant conflicts and challenges for Native tribes that were expected to abandon their Native traditions with the ultimate goal of assimilation into American society (Ross & Gould, 2006; Wells & Falcone, 2008).

For many Native tribes, the introduction of a European-based legal system that was based on the fundamental belief in the inherent inequality of human beings (Boldt & Long, 1984) created a conflictual relationship that remains to this day. While the “policing” of Indians existed long before the introduction of European laws, tribes built their justice and policing practices based on spiritual compact, tribal will, and customary/traditional worldviews to establish tribal justice and maintain order. These concepts would be in direct conflict with the developing U.S. legal system and ultimately set the stage for both individual and organizational conflicts that continue to impact and influence tribal power and authority (Garrison, 2002).

Introduction to conflicting European justice: The 1600s. The first efforts of creating and applying an unequal and conflicting European-based legal system on Native Americans began with the arrival of the first English colonists who settled in the Americas. The settlement of North America introduced Native Americans to their first experience in dealing with the many conflicting and opposing European-based concepts of justice and the proceeding Anglo-

American way of legal thinking (Stannard, 1992). The newly developing form of justice would in essence create the foundation for the pending laws, legal practices, and policing approaches of Indians, which were previously unknown and nonexistent in primitive and Native societies.

From the outset of settling in North America, England and the English colonists upon arrival began immediately exerting their claims to sovereignty and governmental and property rights over the indigenous peoples. These claims contradicted and, to a greater extent, conflicted with long-held tribal traditions, cultural practices, and tribal-held sovereignty rights. From the beginning it was perceived that Europeans and their descendants “usually saw no value in cultures they overran” (Horsman, 1967, p.ix). One of the first examples of the major conflicts that were developing with the introduction of the European-based form of justice came through the imposition of the Discovery Doctrine. The Discovery Doctrine had been previously used in the 15th through 19th centuries by England on other indigenous peoples (Miller, Ruru, Behrendt, & Lindberg, 2010). It was used to justify, overcome, and enforce their first claims in the Americas. The Discovery Doctrine provided newly arriving Europeans immediate and automatic “legally recognized property rights in native lands and also gained governmental, political, and commercial rights over the inhabitants without the knowledge or consent of the Indigenous peoples” (Miller et al., 2010, p.2).

The basis for creating the Discovery Doctrine was to justify through religious and ethnocentric ideas European superiority over the other cultures, religions, and races of the world (Miller et al., 2010). This doctrine established the foundation for how Native peoples would be viewed and treated within the expanding European-based legal system, thus beginning the creation of ongoing conflicts and opposition with Native traditions, culture, and tribal

sovereignty. From its first implementation, Native peoples objected to the application of the doctrine and the European-based devised laws. While the doctrine never entirely disregarded Native rights, they were “necessarily, to a considerable extent, impaired” (Miller et al., 2010, p.4). The doctrine in essence created a framework for what would later become the continued and expanded use of a conflicting and opposing U.S. legal system that continues to set the legal precedent by heavily influencing the modern-day treatment and policing of Native Americans (Miller et al., 2010).

With the adherence and application of the Discovery Doctrine and other developing European-based legal approaches, Native Americans began to face the eradication of their own judicial systems (Ross, 1998). The application of early English laws was often unfairly and unequally used on Native Americans, who were perceived as savages living in a state of lawlessness (Cave, 1996; Ross, 1998). One of the main focuses of these early developing laws was to ultimately destroy the Native culture (Grossberg & Tomlins, 2008). As the demand for land became larger and larger, the impediment of “progress” by Native Americans and dealing with them became a significant challenge and problem. The two widely diverse cultures, with differing views and interpretation of laws, created legal and philosophical dilemmas that were not easily resolved (Johnson, Wolfe, & Jones, 2008). Colonists, for example, who were raised under an English legal system that was contradictory to Indian practices, found it difficult to adopt laws that often resulted in misunderstanding, litigations, and, at times, acts of open violence (Johnson et al., 2008). Indians were often charged with inappropriate crimes and given harsher sentences for those crimes. And even more disturbing, during this time Indians came to be categorized as a lesser race, which colonists used to justify their extermination (Alexander,

2010). The early developments of the emerging U.S. legal system greatly contributed to the decline of tribal systems and began to heavily influence the future structure of Native governments and their ability to maintain traditions, customs, and sovereignty rights (Ross, 1998).

Conflict and opposition within the U.S. justice system, 1700s–1800s. As the European-based legal system continued to serve as the primary means for justice, major changes came when the United States gained its independence through the American Revolution. In 1776, after gaining independence, colonies were free to establish new governments and criminal justice systems (Roberts, 1997). Beginning with the signing of the U.S. Constitution in 1789, and its later final ratification in 1790, a new framework for the U.S. legal system would be established. The original drafting of the U.S. Constitution included limited mention of Native American tribes and how they were to be treated in dealing with justice-related issues (Barker, 1998; Eco-Hawk, 2010; Haring, 1994). To address legal issues that occurred when dealing with Indians, the U.S. Constitution clearly lacked in clarification and direction.

To address the lack of legal clarity and provide direction, Congress created the first federal–Indian treaty. This treaty marked the beginning of a formalized approach to establishing relations and dealing with Indian tribes (Fixico, 2008). In 1786, Congress continued to formalize relations, passing an ordinance for the official regulation of Indians. The newly created ordinance identified two geographic areas that became known as the Northern and Southern districts, which soon after were referred to as departments. The developing departments created federal Indian superintendents who acted under the direction of the War Department and president. As part of their duties, the Indian superintendents were responsible for reporting

claims of injuries inflicted by Indians upon whites and by whites upon Indians. Superintendents also settled intertribal disputes and supervised locations for educational development (Gallaher, 1916). In conjunction with the developing departments, additional advancements within the U.S. legal system also heavily influenced the development of a conflicting and opposing European-based legal system, which included English law, criminal codes, law enforcement agencies, courts, and various modes of punishment (Walker, 1998). Compounding the problem of both the administration of justice and the policing of Indians was the basis for which English criminal law was structured and administered. Early forms of criminal law were not only structured and administered around a problematic legal system, but they were designed to reinforce authority among English colonial families as well as for the Indian population. In developing American communities, almost all residents were entirely White, English, and Protestant, with nearly everyone belonging to the Congregational Church. With this homogenous group, there was a very limited presence of Native Americans, who at this time were not extended the same rights of citizenship by the Constitution, making their position within the legal system even more difficult (Pevar, 2012).

Within the early colonial communities there was a high degree of consensus on the expected behavior, in which the centrally agreed-upon “norm” was obedience to authority: first to God, then to clergy, and finally the male head of the household (Walker, 1998). This consensus on expected behavior was inconsistent with Native cultures, which were structured around long-held tribal beliefs, traditions, and tribal spiritual compacts. These two distinct differences created significant legal and cultural challenges for Native Americans, who were not allowed to adhere to their traditional views. Native Americans often were arrested for engaging

in cultural practices and long-held tribal behaviors that were in many cases viewed as criminal acts (Walker et al., 2012).

For many tribes, Native criminal justice was a system primarily based on restitution, mediation between families, compensation, and recuperation (Barker, 1998; Ross, 1998; Ross & Gould, 2006). In direct opposition to these concepts was the developing U.S. justice system (Ross & Gould, 2006), which, unlike the Native justice systems, was formed around the European legal system based on authority, hierarchy, and a ruling entity. The application of Native American justice, which focused on the inclusion of spiritual compact, tribal will, and customary/traditional worldviews, provided two opposing legal systems that created ongoing challenges in the pending Westernized approach to policing Native Americans. While the unique nature of an evolving U.S. legal system created an unclear and limited constitutional framework, the legal precedent in dealing with Native Americans continued to be determined, to a large extent, by 19th-century judges who carved out “federal and state Indian law one case at a time” (Harring, 1994, p. 6). These individual cases continued to perpetuate significant challenges and conflicts for those Indian nations that resisted government illegality in attempts to protect their legal norms, cultures, and legal traditions (Harring, 1994).

The 1800s marked several additional conflicts, challenges, and changes in the formalized development and administration of the U.S. legal system and the policing of Native Americans in Indian Country. Beginning in 1823 and ending in 1832, three monumental cases, referred to as the Marshall Trilogy, provided additional clarification of federal Indian law in the United States. These three cases reinforced the role of the federal government, establishing that American Indians existed in a state of pupilage and that their relation to the United States resembled that of

a ward to his guardian (Fahey, King, & Kane, 2010). According to John Marshall, the preceding chief justice of the U.S. Supreme Court, the responsibilities of land management, consolidation, and the sales of land are left to the federal government, which is empowered to act on behalf of the tribal wards because of their alleged technical and cultural shortcomings (Wilkins & Lomawaima, 1999). The three cases further diminished the rights of complete sovereignty for tribes, and with this limited sovereignty came corresponding dependency on the United States in the protection of Indian lands and resources. These cases created hardships for tribes and perpetuated conflicts through the imposition of an opposing U.S. legal system that restricted a tribe's ability to police and administer tribal justice.

As the 1800s progressed, legislators continued to voice concern about the Indian tribal justice system, claiming that "law and order enforcement has completely broken down" (Tortes & Pierce, 2012, p. 144). Expanding on these views and concerns, Justice Kennedy of the Supreme Court found that tribal courts posed a hazard to individual liberties, acknowledging that they were heavily influenced by unique customs, languages, and usages of the tribes they serve, and their legal methods may depend on unspoken practices and norms (Crawford, 1993). These views and other legal decisions created immediate and practical concerns for traditional Native law enforcement approaches and further eroded traditional tribal justice systems.

Several historical examples illustrating these conflicts include a detrimental U.S. legal action that became one of the most tragic events in Indian history. In 1829, U.S. President Andrew Jackson signed into law the Indian Removal Act to address the growing "Indian Problem." This act effectively forced Native Americans to give up their lands and relocate. As a part of this relocation, one tribe, the Cherokee Indians, faced one of the most devastating and

tragic events that resulted from the passage of the act. In 1838 the Cherokee Nation was forced to relocate from Tennessee to Oklahoma. This forced removal of Indians would require the Cherokee people to march nearly 1,000 miles under the harshest conditions. To control and force the Cherokee people on the march, military, formal police, and informal police force were used.

President Jackson directed the U.S. military to remove the Cherokees by force (Foreman, 1975; Littlefield & Parins, 2011; Wallace, 1993). Gathering nearly 17,000 Cherokees and placing them in stockades, the army divided Cherokees into three detachments and forced them on the long march to Oklahoma. These first three detachments led to high death rates and diseases. Fearing further deaths, the Cherokee council appealed to General Winfield Scott to delay additional removals. To convince General Scott to delay further removal efforts, the Cherokee council informed General Scott that they would organize and police their own removal (Steele, 1987). General Scott agreed, and the Cherokee, under duress, divided their people into detachments of 1,000 persons, with each detachment setting up its own officers, laws, and police force. To maintain order on the march, the Cherokee council was forced to establish “a sort of police organization” that punished infractions of the imposed regulations (Foreman, 1975, p.300). The Cherokee people were forced to create a “police presence” to assist the government in the tragic events resulting in countless deaths in what has come to be known as the Trail of Tears.

Continuing in 1883, Native American justice faced other monumental U.S. legal conflicts and opposition that would have future implications on Indian tribes and the administration of police services. In the *Ex Parte Crow Dog* case (109 U.S. 556, 1883), American Indian agents

demanded federal prosecution, which resulted in the courts' overturning a federal conviction of an Indian who had murdered another Indian in Indian Country. In this ruling the court reasoned that the tribe's ability to deal with such an offense was an attribute not given to them by Congress. Incensed by the tribe's handling of the Crow Dog case, legislators stripped tribes of their right to handle crimes based on traditional customs (Deloria & Lytle, 1983). The application and use of "justice" by the United States in this case and others was intended to guarantee federal control over Indian people and eliminate tribal religious and cultural practices (Fletcher, 2007). As a direct result of this case, Congress further restricted a tribe's ability to administer justice by enacting the Major Crimes Act of 1885. This act identified seven major crimes that, if committed by an Indian in Indian Country, were placed under federal jurisdiction. This expanded jurisdiction in dealing with crime in Indian Country essentially gave the U.S. federal government authority over major crimes everywhere in Indian Country. The act also created sentencing guidelines that tended to be stricter and harsher on punishment for Indians than they were for whites who committed the same crimes (Treuer, 2012). The list of major crimes and federal involvement continued to expand throughout the 20th century, with several more crimes and laws being added.

During the 1800s, the Supreme Court continued to set legal precedent on how Indians were to be treated in dealing with crime and punishment. This created additional conflicts and challenges, threatening the very existence of tribal culture and sovereignty. The late 1800s continued to perpetuate the conflicts and opposition of the U.S. legal system, with 1887 marking the beginning of the assimilation era. In this era, Indian tribes would further experience the changing relationship of Indians and non-Indians. To address the continuing "Indian Problem,"

in which the federal government feared that two racial societies would be unable to coexist within the same community, in 1887 the Dawes Act, also known as the General Allotment Act, was passed. The passing of this act formally changed basic federal Indian policy from one of segregation to one of assimilation. To assist in enforcing the Dawes Act, and to further contain and control the space both within and around reservations, Indian police were often called on to ride emerging fence lines and control gate access in order to assist the government in managing and controlling Indian people (Deloria, 2002). During this turbulent time, many of the Indian police were increasingly viewed not so much as friends and relatives but as representatives of the agent and the governmental power structure (Deloria, 2002).

The passing of the Dawes Act dealt tribal police a crippling blow (Knafla, 1994). It was hoped that, having pushed Indians into reservations located in undesirable and out-of-the way places, the act would eventually persuade Indians to become “civilized” (Carter, 1999). During this time, Christian reformers pressured the federal government to adopt policies that would support the act and further destroy Indian culture, which they saw as inferior (Carter, 1999; Nagel, 1997). In accordance with the act, Indian lands once collectively held were divided between individual Native Americans and whites. This act was designed to dismantle and further destroy Native American culture, exploit Indians, and dissolve the tribes (Knafla, 1994; McGerr, 2003).

By the end of the 1800s, even the most powerful tribes had been reduced to reservations, with the United States further promulgating its own rules and regulations for operating services on those reservations (Deloria, 2002). To assist the federal government in enforcing the conflicting legal mandates being placed on tribes and recognizing that Indian agents alone could

not keep order, the Southeastern tribes known as the Five Civilized Tribes (Cherokees, Choctaw, Chickasaw, Creek, and Seminole) were called on to help keep tribal law and order among their nations (Fixico, 2008). As a result of this need, the Cherokees were the first of the five to develop their own police, known as the light horsemen (Fixico, 2008). These policing responsibilities were short lived however, as the Curtis Act of 1898 dissolved Indian legal systems and further attempted to terminate tribal governments (Hill & Frazier, 2010).

Countless other uses of an opposing and conflicting U.S. legal system and its impacts on the policing of Indians would occur in other areas, as evidenced by the use of the police to force the assimilation of Native American youth. Native American police were often called on to remove Indian children from their tribes and take them to government-run boarding schools. As Cooper (1999) stated:

White authorities responded to their resistance with force and trickery. Everything in the way of persuasion and argument having failed, reported one BIA agent, it became necessary to visit the camp unexpectedly with a detachment of police, and seize such children as were proper and take them away to school, willing or unwilling. (p. 28)

These and other early interventions by whites and Indian police services created conflict and confusion for tribal police agents, who were placed in compromising and conflicting positions. Compounding the problem was the fact that under the legal system the Indian police were required to operate inappropriately being used against many tribes. As a result, Native American tribes continued to experience the negative consequences of a flawed legal system, having to constantly fight for their ability to police their peoples through practices that reflected and included long-held traditional tribal culture, practices, and values (Prucha, 2000).

Continued opposition within the U.S. legal system 1900s–present. The 1900s continued to perpetuate the ongoing conflicts between the U.S. legal system and developing tribal police agencies. The 1900s marked some of the most significant changes in the U.S. legal system as it related to tribal governance and tribal policing. One of the first major changes occurred in 1932 with the passing of the Indian Reorganization Act. With the passing of the Indian Reorganization Act, traditional means for political and spiritual control further dissipated. The power of chiefs to maintain unwritten tribal law and traditions was removed, leading to a deterioration of traditional values, and the disrespect of others became a matter of patience and tolerance for those affected (Duran & Duran, 1995). With the most powerful tribes being reduced to reservation residency, the United States began to promulgate its own rules and regulations and further define how operating services would be provided on reservations (Deloria, 2002).

To address the perceived law and order problems that existed on Indian reservations and further express its intentions of terminating its relationship with Indian tribes (Toensing, 2008), in 1953 Congress passed the first jurisdictional bill of general applicability ever to be enacted, Public Law 280 (PL-280) (Tortes & Pierce, 2012). PL-280 was created because of Congress's concern over law and order problems that existed on some Indian reservations and the financial burdens these problems created, with the continued federal jurisdictional responsibilities on Indian lands. One major concern with the passing of this bill was the fact that it did not include the requirement that Indians be consulted to ascertain their wishes and desires. This lack of consideration in gaining Indian consultation further illustrated Congress's desire to both assimilate and terminate tribes and to transfer the responsibility to states. While not all states

were required to participate in PL-280, it nevertheless “stood out as one of the strongest representations of the United States broken promises” (Tortes & Pierce, 2012, p.23). For many tribes, PL-280 represented the federal government’s continual attempts to further restrict a tribe’s ability to provide tribal justice and police their own peoples. From the first settling by the Europeans to the enacting of PL-280 and countless other conflicting U.S. laws, the U.S. legal system had created significant challenges for modern-day tribes and their tribal law enforcement agencies, which must navigate their way their through the conflicting and opposing U.S. legal system.

The 21st Century Tribal Police Department

From the beginning of colonization in the Americas, tribes and their ability to police their own peoples has been a significant challenge requiring them to navigate their way through a complex and conflicting legal system that was created to force Indians to follow white European culture and laws (Hagen, 1980; Deloria & Lytle, 1983; Knafla, 1994). While Native American tribes have always handled internal law enforcement and social control issues (Barker, 1998; Luna-Firebaugh 2007; Melton, 1995), the arrival of the first Europeans in North America and the European concept of law enforcement challenged those traditional approaches. According to Wells and Falcone (2008), “The historical development of policing of Native Americans has reflected an evolving (and lopsided) dialectic between the traditional values of Native American tribal societies and the modern imposed political values of Anglo-European legal systems” (p.203).

From its inception, the U.S. legal system clearly was designed to work against Native Americans and their ability to adhere to traditional tribal-led practices (Schultz, Haynle,

McCulloch, & Aoki, 2000). With limited acknowledgment of Native Americans in the drafting of the first U.S. Constitution, it was "...almost certainly assumed that tribes would simply die out under the combined wealth of capitalism, Christianity, and military power" (Wilkerson, 1987, p. 103). With a belief that Native Americans would be assimilated or eliminated, the historical development of the policing of Native Americans became a one-sided approach, creating an extensive history of ongoing problems and conflicts for tribal police departments, who have been forced to adhere to contradictory and opposing laws that were designed for "civilizing" indigenous peoples who were considered culturally inferior (Pevar, 2012; Wilkerson, 1987; Williams, 1999).

Building on the lack of direction and early assumptions about Indians, the developing U.S. legal system and congressional actions would begin to reflect the general sentiment of high-level policy-makers and Christian missionaries who unilaterally forced Western criminal law proceedings and formalized police enforcement practices against Indians (Wilkins & Kiiwentinepinesiik-Stark, 2011). Early efforts to police Native Americans and keep order ranged from using military force to federally appointing Indian agents. The development of tribal police forces in Indian Country can generally be broken down in to five eras, as seen in Table 2.

Table 2
Eras in Tribal Policing

Era	Dates	Characteristics
Traditional Policing	Pre-1860	Clans responsible for keeping order; military or warrior entrusted with the responsibility for good.
Reservation Police	1860–1880	Federal government moved to assert law enforcement jurisdiction on reservations; BIA established organized reservation police forces, creating a standardized policing approach.
Federal Control of Indian Police	1880–1920	Identified as progressives moving from traditional practices, duties formalized, advanced non-Indian law as the mode of operation.
Federalization of Indian Police	1920–1950	Transferred responsibility for criminal law to specified states (PL-280), reduction of federal assistance for law enforcement services to non-PL-280 states.
Self-Determination	1960–present	Expansion of tribally controlled and funded police agencies.

Note. Adapted from *Tribal policing: Asserting sovereignty, seeking justice*, Luna-Firebaugh, 2007.

With no formalized Indian-led police departments existing in the early 1800s, there were no real alternatives, and the policing of Indians was primarily the responsibility of the U.S. Army (Barker, 1998; Barlow, 2000; Pearson, 2008; Wells & Falcone, 2008). During this time, many high-ranking officers, including General Philip Sheridan and Major General John Schofield, recommended that the War Department continue to have control over Indians, as the Bureau of Indian Affairs (BIA) lacked control and used poorly qualified Christian Indian agents (Pearson, 2008). General Sheridan further supported this move, suggesting that civilian efforts had failed and that “American Indians should be fed and confined to reservations, where soldiers could

force submission and control the savages” (Pearson, 2008). Having been confined to federally administered reservations, where the military was used to police Native Americans, many tribes became severely disorganized, and traditional Indian cultural practices and social orders were weakened, leaving tribal communities dependent on the U.S. government for sustenance and support (Barker, 1998). This illustrates only one of the countless examples that existed in the U.S. government’s early efforts to exert authority to police and control Indians.

With a military presence to police and enforce the U.S. legal system and its laws, a few tribes attempted to create Indian police forces, adapting social control customs of the conquering society, thus marking the beginning of adapting Euro-American policing enforcement in Indian Country (Wells & Falcone, 2008). While being led by Indian officers, many early tribal police agencies were administered and controlled by federally appointed Indian Affairs agents. When tribal ideas of justice conflicted with Euro-American concepts, tolerance for autonomous Indian justice disappeared, resulting in legislation to further restrict the scope of tribal self-policing (Barlow, 2000; Wells & Falcone, 2008). Using Indian police officers who were adapting Euro-American law enforcement practices, early Indian-led policing efforts were in essence designed to further destroy tribal traditions, with the goal of assimilation into American society.

During this time, other non-Indian-led efforts were simultaneously being directed at providing police services. The beginning of the first federally sponsored tribal police presence can be found with the appointment of Thomas Lightfoot in 1869 by the BIA (Barker, 1998; Palmiotto & Unnithan, 2011; Perry, 2009). The appointment of Agent Lightfoot by the BIA created the first federally sponsored Indian police force and was a major shift in federal policy, which up to this time had not recognized or given official authority to Indians in providing

policing services. Being placed in the position of a federally appointed police agent, Lightfoot was tasked with recruiting and using Indians to police their own community. Although there were other policing efforts preceding Agent Lightfoot's appointment allowing tribes to assume police authority over their peoples, these efforts tended to be narrow and with restricted duties (Perry, 2009).

The appointment of the first federally recognized agent and creation of an Indian police force combined with emerging congressional acts resulted in the creation of a complex and confusing approach to determining autonomy and authority in decision-making and control with respect to issues of crime and policing (Perry, 2009).

The developing 21st-century tribal police department. When researching today's tribal police departments, it is not uncommon to find a lack of research and documentation and, more specifically information on the problems facing many tribal police chiefs who must follow the U.S. legal system in administering justice. As stated by Wells (2013):

Despite more than a half century of scholarly research on hundreds of police departments located in various communities across the United States . . . we still have only a sketchy, incomplete picture of how policing occurs in the communities of its original inhabitants. (Wells in Roth, p. 113)

Much of the documentation that does exist rarely is written from a Native American's perspective and seldom mentions or reflects any of the positive contributions that tribal policing continues to provide. It is significant to note that most of the documentation found during this literature review referenced or mentioned the negative connotations, legal problems, and limited contributions of Native Americans and Native American policing practices while omitting any

positive illustrations. Several examples validating this point can be found in reviewing several past and present publications on the history of Native Americans and Native American policing.

Many of the books reviewed in this study provided little acknowledgement of the historical progression or positive contributions that have occurred in the historical development of Native American policing in the United States over the past century. Additionally, many current references failed to recognize and support the progressive efforts and changes that have occurred in many Native American police departments. This lack of acknowledgement and limited references on current tribal policing operations illustrate the misunderstanding and apparent lack of interest in researching tribal police challenges often experienced by-Native chiefs and their agencies.

The development of modern-day tribal police departments in Indian Country can trace its roots back to the 1800s. From their inception and early development, tribal-directed law enforcement efforts “became the key means by which to police radicalized spaces and by which to facilitate the assimilative process” (Perry, 2009, p.35). Having been developed under formalized European laws and Westernized policing approaches, dominant nontribal agencies have been reluctant to allow Indian police agencies to have sovereign power and jurisdictional authority over their own peoples in order to provide social control and the administration of justice. Tribal police departments and their leaders have had to adapt as they sought ways to deal with the difficult problems associated with policing within Indian Country. Although Native American policing has continued to evolve alongside its non-Native policing counterparts to meet the complex legal and enforcement challenges while meeting the diverse needs of their tribal communities, there continues to be a great deal of conflict, contradiction, and opposition

for today's Native American-led police departments. Despite their significant importance and contributions to policing and their increased professionalism, Native American police departments continue to be overlooked, disparaged, under-resourced and underfunded at disproportionate levels (Wakeling, Jorgensen, Michaelson, & Begay, 2006). In a 1997 report issued to the U.S. Attorney General and the Secretary of the Interior, it was reported that basic law enforcement protection and service for most of Indian Country is severely inadequate, and Indian reservations do not receive even the minimum level of law enforcement services granted in non-Indian communities (U.S. Department of Justice, 1997). The report further found that contributing to the problem was the current state of the criminal justice system, which was fragmented and lacked clear direction and coordination.

With a myriad of complex and challenging legal issues facing tribal-led police departments, these departments are expected to be able to balance traditional tribal justice approaches with mandated U.S. forms of justice. These expectations are increasingly problematic for tribal police leaders, who are forced to operate within a U.S. legal system built around law enforcement practices designed to “civilize” tribes while abandoning their Native traditions (Barker, 1998; Ross & Gould, 2006). With nearly 200 tribal police departments, tribes currently police more than 56 million acres of Indian lands (BIA, 2014), and most of the departments are struggling to provide adequate services while maintaining the ability to exercise their sovereign police power and authority in Indian Country (see Figure 1).

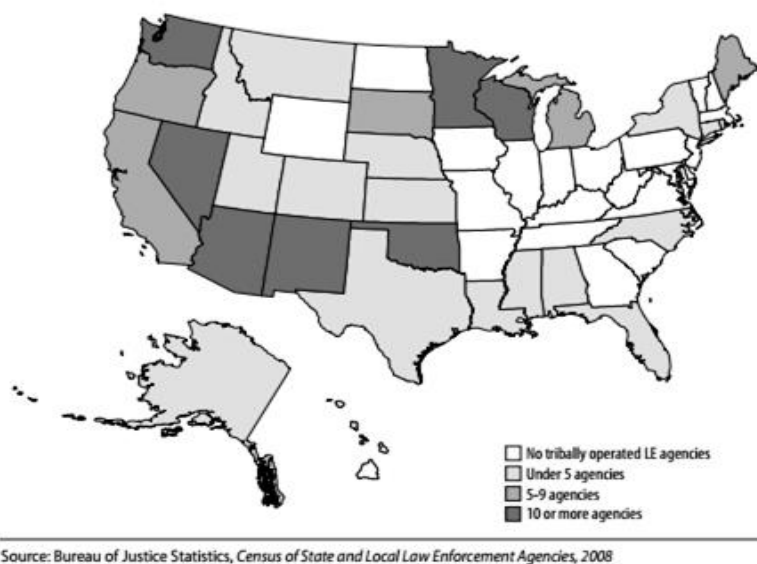


Figure 1. Location of tribal law enforcement agencies. (Reaves, 2008. Taken from Bureau of Justice Statistics, Center of State and Local Law Enforcement Agencies)

With a relatively short history of providing effective tribal-led police services in Indian Country, tribal police departments and their leaders continue to play a vital role in maintaining culture, traditions, and tribal sovereignty (Barker, 1998; Ross & Gould, 2006). To overcome the complexities and challenges presented by the U.S. legal system, today's tribal police departments and their chiefs continue to seek solutions in dealing with complex and conflicting issues associated with maintaining tribal culture, traditions, and sovereignty within tribal police agencies.

The challenging role of the 21st-century tribal police leader. Tribal-led law enforcement agencies continue to be forced to follow the U.S. legal system, which has restricted their legal power and authority and created significant jurisdictional challenges for leaders seeking to follow tribal traditions and culture while maintaining sovereignty (Barker, 1998; Knafla, 1994; Luna-Firebaugh, 2007; Perry, 2009). Leading within tribal-centered police

departments continues to present a multitude of significant challenges, more than many nontribal chiefs ever experience. Unlike most communities in the United States that have one police chief who is in charge of a local police agency that handles all types of crimes, tribal police chiefs operate within communities that fall under multiple jurisdictional authorities, each limited in their power and authority, including their own tribal police departments (Azar, 2011). With complex and conflicting jurisdictional authority, many tribal police chiefs are required to lead in agencies ensuring that officers operate within their legal authority based on geographic location, type of crime committed, and whether or not the perpetrator is American Indian. Compounding the many jurisdictional problems is the fact that, like other tribal leaders, tribal police chiefs are expected to ensure that officers follow tribal, federal, state, and local laws while maintaining tribal culture and sovereignty within their operations (Jorgensen, 2007).

For many tribal police chiefs, navigating the complex legal requirements while balancing tribal traditions, culture, and sovereignty has created a “jurisdictional maze” (Luna-Firebaugh, 2007), which often requires chiefs to be knowledgeable and well-versed in tribal, federal, state, and local legal topics as well as tribally mandated laws. The unique and confusing jurisdictional problem has made it difficult for many police chiefs who are ill-prepared to deal with the vast legal requirements for which they are responsible. Compounding the problem is that tribal police departments are not afforded the same legal authority to enforce laws as are their non-Native counterparts. In mainstream policing, cross-deputization, mutual aid agreements, and state certifications for their individual officers are common. In Indian Country, however, this is not the case (Luna-Firebaugh, 2007). Tribal police chiefs are forced to negotiate and fight for those rights, agreements, and certifications that are often fiercely protected by non-Native law

enforcement agencies, which view tribal law enforcement as inferior or lacking in adequate training and expertise. In addition, tribal police chiefs must deal with state and local agencies that will not cooperate and work with them collegially due to their view of tribal law enforcement training as being inadequate (Luna-Firebaugh, 2007).

Another significant challenge facing tribal police chiefs is the undue political interference that has long existed in police operations (Wakeling et al., 2001). Tribal police chiefs must work closely with both non-Indian representatives and their own tribal council in coordinating police services. For many tribal police chiefs, the tribal council is responsible for overseeing police operations as well as hiring and firing the police chief. Tribal councils continue to expect that tribal laws, customs, and sovereignty are respected and maintained within police operations. This expectation requires the police chief to constantly be aware of how police services and enforcement actions are taken and the potential conflicts that are created by the U.S. legal system. This is a unique challenge for tribal police chiefs, who must operate under two existing legal systems that often come into direct conflict (Ross & Gould, 2006). With a long history of contradiction and opposition, tribal police departments and their chiefs continue to struggle in keeping tribal communities and the nation safe.

Summary

The literature reviewed for this chapter provided a synthesis of historical and professional literature related to development of the U.S. legal system conflicts and opposing issues imposed on Native Americans and later their developing tribal law enforcement police departments. It provided background information for educators, trainers and tribal law enforcement advocates seeking to learn more about tribal police leadership in the United States. Understanding the

historical underpinnings in the development of tribal policing practices is a critical factor in analyzing the challenges faced by tribal police departments and tribal police leadership. Reviewing the historical conflict and opposing nature of the U.S. legal system provided the direct context for this study and three important issues emerged that had direct relevance for this study. First, although research identified specific events that occurred in the evolution of the U.S. legal system that significantly impacted the administration of tribal justice, including tribal policing, further in-depth research yielded little to no documentation of how those conflicts and challenges directly impacted the ability of tribes to administer law enforcement departments from a Native perspective. Secondly, it is important to note that since the time tribal law enforcement agencies were established in the United States, there has been a perception that these agencies have been led by tribes. The literature reviewed in this study indicates this may not have been the case, as evidence shows tribes were and continue to be limited in their full administration of tribal police services. Finally, recognizing how tribal police agencies and tribal police chiefs have dealt with the conflicting and opposing requirements of the U.S. legal system in order to retain tribal traditions, culture, and sovereignty in their operations were important issues that were missing in the history of developing tribal police departments and is an important concept to recognize in completing this study.

The literature on the conflicting and opposing nature of the U.S. legal system suggests that the implications on tribal policing and the administration of justice has had a greater impact than may have been previously understood. From its earliest inception, the U.S. legal system has heavily influenced the legal authority, operational control, and traditional identity of the tribal police department. Although tribes have been allowed to create their own police departments,

development of those departments over the years may be somewhat illusionary (Wells & Falcone, 2008). Although tribes are allowed to employ their own tribal police chiefs and officers, many tribes still remain under the control of the federal government, which restricts their full tribal authority and jurisdictions and continues to provide them with inadequate funding and support (Barlow, 2000; O'Brien, 1989; Perry, 2009).

In the continued administration of tribal justice, tribal policing continues to come into conflict with Euro-American legal concepts. When these conflicts occur, tribal police departments often experience the further loss of their autonomy, having continued legislative action taken against them to further restrict the scope and control of their tribal self-policing efforts (Perry, 2009; Wells & Falcone, 2008).

Chapter Three: Design of Study

The purpose of this study was to explore the stories and experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between Native American tribal policing and an opposing U.S. legal system. It sought to understand the essence of tribal police chiefs' experiences in working within the U.S. legal system and the extent of conflict that has been created for them. It further sought to examine how tribal police chiefs navigate and provide effective leadership as they work to maintain tribal culture, traditions, and sovereignty in their departments. This multi-case study was designed to explore the many unique U.S. legal challenges that affect a tribal police chief's ability to lead while adhering to long-held tribal traditions, culture, and sovereignty rights. Understanding the extent to which the U.S. legal system affects tribal police leadership and the ability of chiefs to overcome the effects of the U.S. legal system is critical.

This chapter of the dissertation will describe: (a) the research philosophy and procedures, (b) the research approach, (c) the units of analysis, (d) the data gathering process, and (e) the criteria and interpretation of findings. Included in this study will be a detailed statement of my personal research perspective.

Philosophical Approach

The philosophical approach used in this study was based on the interpretive social science (ISS) methodology. An ISS approach is used when the researcher seeks to study how people construct meaning within their social settings (Neuman, 2009). Interpretive social science aligns with a constructivist worldview, which allows the researcher to employ a

constructivist paradigm. A constructivist paradigm recognizes that reality, from the point of view of constructivism, is multiple and socially constructed (Stage & Manning, 2013). This paradigm also suggests that the researcher work within categories and interpretations to analyze data through inductive means, seeking the discovery of meaning. According to Stage and Manning (2013), “This meaning making can entail the ways of being of individuals within an organization or characteristics and behavior of group who occupy a particular culture” (p. 21).

Over the course of the last several years, I have become increasingly aware of the many challenges and hardships that have been placed on tribal police leaders and the lack of tribal leadership training available for them. Serving as the executive director of a national community policing and tribal training institute, I have traveled extensively, training and speaking with many tribal police leaders who have shared their stories about the significant obstacles and challenges that the U.S. legal system has created for them and the lack of training programs and resources to help them address their challenges.

Presented with the many stories and concerns facing tribal police departments, I believe that tribal police chiefs continue to be placed in difficult and often overwhelming positions of leadership and authority. In spite of the significant challenges facing tribal police chiefs, I also believe that these individuals are highly committed leaders who are continually searching for solutions and leadership approaches that can help them succeed in providing effective policing services while balancing the need to adhere to tribal traditions and maintain sovereignty.

The role of a tribal police chief has often been misunderstood, under-documented, or poorly articulated as it relates to navigating through the challenges presented by an opposing and contradictory U.S. legal system. As a current tribal training leader and practitioner, I constantly

think about the questions posed in this study and the apparent lack of interest in trying to find answers. My historical understanding of Native Americans and personal involvement and views on the subject could be a source of bias. During this study I strove to counter these biases by being open to new information and noting any information with which I may have disagreed. I attempted to progress through this study with a clearness of purpose and to accurately describe all information I discovered. Based on my choice of adhering to interpretative tradition, I am disclosing the potential for personal bias and my own personal perspective as it relates to this research study.

The purpose of this approach. As used in this study, interpretive social research recognizes the self-reflective narrative of qualitative research and emphasizes the role of the researcher as an interpreter of the data who represents information from the research (Creswell, 2007). The interpretive researcher strives to discover what actions mean from the point of view of people who engage in them. The interpretive approach seeks to understand social life and discover how people construct meaning in natural settings (Neuman, 2009). According to Smith Blount (2007) (as cited by Neuman, 2009), “True meaning is rarely obvious or simple on the surface. One reaches the meaning through a detailed study of the text, contemplating its messages and seeking connections in the midst of its parts” (p. 54).

How this approach relates to this study. Qualitative research is multi-method in focus and involves an interpretive, naturalistic approach to its subject matter (Denzin & Lincoln, 2000). As used in this study, a qualitative approach was appropriate, as described by Denzin and Lincoln (2008), who state, “Qualitative research involves the studied use and collection of a variety of empirical materials—case study, personal experience, introspective, life story,

interview, observational, historical, and visual texts that describe routine and problematic moments and meanings in individuals lives” (p. 4). Klenke (2008) further built upon Denzin and Lincoln’s views specifically relating to the study of leadership, stating:

The study of leadership is particularly well suited for qualitative analysis because of multidisciplinary nature of the field which has to be more open about paradigmatic assumptions, methodological preference, and ideological commitments than many single disciplines. (p. 4)

During the course of this study, I attempted to follow the guidelines suggested and outlined by qualitative researchers as they related to the references above in terms of ISS. Native American police chiefs were interviewed both in person and via phone, allowing them to remain in their natural settings. Although I attempted to set aside my personal experiences, I found myself impressed and honored to hear what the chiefs had accomplished or had been able to overcome despite the many legal challenges they were facing. It was through the use of the interviews, personal journaling, peer review, member checking, and reviewing documents that I was able to code and identify significant themes that portrayed chiefs’ stories and lived experiences.

Research Method: Multi-Case Study

This study used the multi-case study method to explore the lived experiences of Native American tribal police chiefs who are currently required to work within the U.S. legal system while adhering to tribal culture, traditions, and sovereignty. The purpose of this section is to describe the use of a multi-case study research design as a type of qualitative research and present a rationale for using this method in this study.

Purpose of method. The purpose of this section is to define multi-case study as a method and its appropriateness for use as an exploratory qualitative research approach that offers both flexibility and robustness to the data (Denzin & Lincoln, 2008; Yin, 2003). Because this study includes multiple cases, this study is identified as a collective or multi-case study. Ideally situated for the study on leadership (Klenke, 2008), a qualitative research approach allows the researcher to build a complex, holistic picture by analyzing words, reporting detailed views of informants, and conducting the study in a natural setting (Creswell, 2009). In research, case studies are used when the researcher desires to understand complex social phenomena by investigating and retaining the holistic characteristics of real-life events such as leadership (Yin, 2009). A multi-case study approach can be applied when the researcher seeks to understand a phenomenon that has multiple cases, parts, or members (Stake, 2006). Creswell (2007) defines case study research as:

A qualitative approach in which the investigator explores a bounded system (case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., observations, interviews, audiovisual material, and documents and reports), and reports a case description and case-based themes. (p.73)

For this study, seven Native American police chiefs working in Indian Country represented the cases. To keep the confidentiality of each participant (case), alphabetic letters are used in the narrative. This multi-case study sought to compare and contrast seven different cases in relationship to the U.S. legal system challenges that have impacted chiefs and their ability to adhere to tribal traditions, culture, and sovereignty in their daily operations.

Key concepts associated with method. There are four key considerations and criteria when proposing to use case study research design (Yin, 2003). First, a case study design should be considered when: (a) the focus of the study is to answer “how and “why” questions, (b) you cannot manipulate the behavior of those involved in the study, (c) you want to cover contextual conditions because you believe they are relevant to the phenomenon under study, and (d) the boundaries are not clear between the phenomenon and context (Yin, 2003). Considering the cases to collect and study, which in essence are the units of analysis (Miles & Huberman, 1994), may be the most difficult aspect of using this method. A multiple case study is organized around selecting at least one research question, but a multiple case study will probably have several research questions (Yin, 2003). The research question brings to light the perspectives of the units of analysis and is considered one of the most important aspects of the design.

Benefits and limitations. The use of a multi-case provides benefits to research studies, expanding the opportunities to collect and analyze data. Research data can be strengthened and their findings made more reliable when they are collected and analyzed from two or more cases. Yin (2009) noted that analytic conclusions independently arising from two cases, as with two experiments, will be more powerful than those coming from a single case. In this study, the U.S. legal challenges experienced by multiple chiefs may be complex and not fully understood by chiefs, and thus gaining multiple perspectives on this problem provides additional means for interpreting the data. Denzin and Lincoln (1998) identified the benefits of using a multiple case analysis, suggesting that “looking at multiple cases in multiple setting enhances generalizability, key processes, constructs, and that explanations can be tested in many different configurations” (p.435).

As with any research study, there are limitations. The limitations of collective case design include the amount of time needed to conduct the research; the reliability, validity, and generalizability of the data; and the ethics of the case writer. Merriam (2009) suggested that “both the readers of the case studies and the authors themselves need to be aware of biases that can affect the final product” (p. 52). To address this limitation, this study used peer review, member checking, and the review of literature to help validate the research findings and reduce potential researcher bias.

Research Procedures

Data needs. The data needs for this study are specific to exploring real-life situations in real-life context to Native American tribal police chiefs who work within the U.S. legal system and are responsible for ensuring tribal traditions, customs, and sovereignty are maintained. The appropriate use of a case study in leadership according to Klenke (2008) is to investigate a leadership phenomenon within its real-life context, especially when the boundaries between the phenomenon and context are not clearly defined. The goal of case studies is to look for comparisons in relation to a particular issue or phenomenon (Stake, 2006; Yin, 2003). Although single case studies tended to be used for early qualitative research on leadership, single case studies have gradually given way to multi-case studies and cross-sectional research designs (Bryman, 2004).

A multi-case approach was used in this study to examine different cases to understand the similarities and differences between cases and allow for replication of findings, literal or theoretical (Yin, 2003). A multi-case study method allows the researcher to explore individuals or organizations, simple through complex interventions, relationships, communities, or programs

(Stake, 2006). The multi-case approach used for this research is exploratory in nature. An exploratory case study research design “provides the researcher with greater insight into the study problem and ideas about the variables that should be included in a larger or more comprehensive study to follow” (McNabb, 2013, p.106). Each of the cases selected was first treated as a comprehensive case in and of itself, and then cross-analyzed with other the cases, which can be more compelling to the reader than results based on a single instance (Merriam, 1998).

Using a multi-case study design, this study sought to explore how the U.S. legal system has impacted tribal traditions, culture, and sovereignty within tribal police organizations. It further sought to explore how tribal police chiefs provide effective leadership despite restrictions, contradictions, and oppositions created within the U.S. legal system.

Data collection techniques. Collecting case study data for this proposed study was accomplished through five techniques: (a) conducting in-depth, open-ended interviews; (b) journaling, (c) peer review, (d) member checking, and (e) reviewing related documents and archival records from different sources, including, transcripts, interviews, U.S. legal codes, tribal codes, and tribal constitutional documents, personal journals and notes, and other supporting and related documents that emerged during the research process. Having multiple sets of evidence facilitated triangulation and enhanced trustworthiness in this study.

In this study I purposefully selected seven tribal police chiefs, representing different geographically located federally recognized tribal police departments for the interviews (described later in the participant selection section). I identified and selected participants representing federally recognized tribes and personally invited them to participate in this study.

Through approved institutional review board (IRB) protocols, seven participants responded to my request to participate, and all seven met the criteria and were invited to participate in the interview process.

This study began with the collection of data to gain a better understanding of tribal police chiefs and get the essence of their legal-system-related leadership challenges. In-depth, open-ended interviews were conducted with the seven selected Native American police chiefs. To provide semi-structure to the interviews—though they were treated as conversations in which detailed information and comments were solicited from the participants—I used a personal interview guide. According to Patton (2009), “One way to provide more structure than in the completely unstructured, informal conversational interview, while maintaining a relatively high degree of flexibility, is to use the interview guide strategy” (p. 466).

It is important to note that, while I expected all interviews would be recorded, some tribes had strict rules governing photography, sketching, and tape recording, and this was respected if requested by the participant. Upon being contacted for this study, all of the participants interviewed allowed the audio recording of the interviews. The projected time to conduct each interview was approximately one hour. Follow-up interviews were used to gain additional information, clarify context, or further explore unexpected information that arose as a result of interviews with other participants.

During each of the interviews, I sought to identify supporting documents, archival records, and any additional sources that may provide clarification or support of the information being collected. For example, if participants shared information that alluded to the existence of

documents and archival records, I sought out that information to provide me with further clarification of the information they were sharing (see Table 3).

Document and archival reviews included both electronic (i.e., internet-based) and hard copies of U.S. legal decisions, tribal codes, tribal constitutional documents, and other supporting and related documents that emerged during the research process. Any physical artifacts that were identified as a result of the interviews were also explored. Physical artifacts can be tools, instruments, or some other physical evidence that may be collected during the study or as part of a field visit. The researcher's perspective can be broadened as a result of this type of discovery (Yin, 2003). Physical artifacts identified included police uniforms, patrol cars, and tribal symbols related to law enforcement agencies, and police operations and supporting equipment.

Table 3
Research Questions and Data Sources

Research Question	Data Sources
How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them?	<ul style="list-style-type: none"> • Interview questions • Archival and legal documents • Peer review • Member checking • Journal entries
How do tribal police chiefs balance the conflicts of the U.S. legal system in order to provide tribal-centered leadership to staff and tribal criminal justice partners?	<ul style="list-style-type: none"> • Interview questions • Archival and legal documents • Peer review • Member checking • Journal entries

Selection of participants. Currently there are approximately 200 tribal-administered police departments, with a number of those departments being led by non-Native police chiefs.

Based on achieving saturation in the first five interviews, I completed an additional two interviews to confirm saturation resulting in seven total interviews of police chiefs representing seven different federally recognized tribes. Excluded from the list were tribal police chiefs who are nontribal members, federal or state appointed, or other contracted tribal police representatives. The intent of these criteria was to narrow the scope of the study to tribal police chiefs who have historical, cultural, and traditional tribal backgrounds and to their real-life experiences in the administration of tribal policing services. In the selection of participants I acknowledged there were differences between tribal police chiefs based on their law enforcement experience, historical tribal police department development, and tribal governance structures.

To narrow the scope of participants selected for this study I relied on purposeful sampling along with snowballing. With the intent of qualitative inquiry not to generalize to a population but to develop an in-depth exploration of a central phenomenon, Creswell (2008) stated, “The researcher purposely or intentionally selects individuals and sites” (p. 213). The goal of purposeful sampling is to choose participants who are rich with information (Patton, 2009). Using the identified participants from purposeful sampling, seven participants were selected, all seven being Native American tribal police chiefs at tribal police departments located on tribal reservation lands or Indian Country.

Data Collection

The data collection process was conducted between March and July of 2015. The data collection consisted of the following five components:

- 1) Personal interviews were conducted with seven Native American police chiefs who met the original study criteria. Most of the interviews were conducted via phone and

- lasted approximately one hour. The interview question guide consisted of two primary questions, with associated specific questions to help guide the interviews (see Appendix B).
- 2) During each interview I took notes, and upon completion of the interviews I spent time journaling in an effort to recall the specifics of each situation and to record “aha” moments, personal perceptions of comments, or any unexpected results of the interviews.
 - 3) To strengthen trustworthiness and provide a quality enhancement strategy for this study, peer review was used. The peer review process consisted of having colleagues conduct a thorough examination of the study by “scanning of some of the raw data and assessing whether the findings are plausible based on the data.” No identifiers or references that would identify participants were included in the raw data or in this research project.
 - 4) Member checking was used in this study to assist in maximizing theoretical and programmatic validity. Member checking was also used to help determine the accuracy of the qualitative findings by having participants review the specific descriptions and identified themes that emerged from the transcribed and cross-analyzed interviews. Each of the participants was asked to review their own individual transcript and resulting themes and make any necessary comments or changes.
 - 5) During each interview, documents or support materials were sought to help gather additional data that might be pertinent to this study. Any documents that were

identified by participants were reviewed to help add to the rich information that was shared in the interviews.

Personal interviews. Interviews were conducted over a five-month period spanning March through July 2015. Seven Native American police chiefs participated in the interviews and represented seven different Native American tribes. Participants were selected based on their voluntary willingness to be interviewed as a part of this study and the geographic locations of their tribes. Because the purpose of the interviews was to develop dominant themes on their lived experiences as Native American police chiefs, having different participants representing different geographically located tribes added reliability to this study.

The interview questions used in this study were formed around two foundational open-ended questions (see Appendix B). Open-ended questions were used to encourage interaction between the interviewer and interviewee and allow participants to best voice their experiences unconstrained by any perspectives of the researcher or past research findings (Creswell, 2008). Follow-up or probing questions were used to elicit more information, provide clarity, or provide more detail as identified or needed (Klenke, 2008). To gain a better understanding of the shared stories and experiences, I applied hermeneutics. “Hermeneutics may not provide us with a method, but it does give researchers, teachers and students an image of how human understanding operates in the world” (Tobin & Kincheloe, 2006, p.269). In this study I used hermeneutics as suggested by Merriam (2009), who stated that “hermeneutics offers a perspective for interpreting legends, stories, or other texts” (p.33).

Each interview was first reviewed by listening to the recordings. Listening to the recorded interviews allowed me to reflect on the rich conversations as I understood them and as I

compared them with my personal journal entries and other documents. The recordings were then transcribed, and using keywords, a topic list was created and then color coded to identify and create codes. The codes were cross-analyzed between cases and placed into topics and categories, which were then merged again across cases to form dominant themes. All collected data were kept and protected as identified in the approved protocol by the IRB of Oregon State University.

Personal journal. In this research I used a personal journal to document my first impressions and to capture the tone of each interview. Journaling provided useful insights and “aha” moments, allowing me to capture personal thoughts and feelings as each interview progressed. During each interview I found myself emotionally touched by the personal stories and experiences shared by the chiefs. The sharing of stories by each chief resulted in the collection of rich data as they described their personal experiences.

Peer review. To strengthen trustworthiness and provide a quality enhancement strategy for this study, peer review was used. As stated by Myers (2011), “Essentially, the peer review process is a form of quality assurance that is used in every academic discipline” (p.235). To provide peer review, this research had a built in peer-review process. As Merriam (2009) stated, “Certainly there’s a sense in which all graduate students have this process built into their thesis or dissertation committee, since each of the committee reads and comments on the findings” (p.220). In addition to the dissertation committee, peers were also those colleagues who were “familiar with the research” (Merriam, 2009, p. 249). Following Merriam’s suggestions, the peer review process consisted of having colleagues conduct a thorough examination of the study by

“scanning of some of the raw data and assess whether the findings are plausible, based on the data” (Merriam, 2009, p. 250).

Member checking. Member checking was used to assist in “maximizing theoretical and programmatic validity”(Sandelowski & Barroso, 2007, p. 230), and developing conclusions (Willis, 2007). As recommended by Willis (2007), as the data were collected and analyzed, participants of the study were asked to check the emerging conclusions and comment on what they thought about the conclusions. Member checking was also used to help determine the accuracy of the findings by having participants review the specific descriptions and themes that emerged from the transcribed and cross-analyzed interviews. Members in this study, as proposed by Creswell (2007), were asked to determine whether they felt the descriptions and themes were accurate. Finally, as McBrien (2008) suggested, member checking was used to provide correlating evidence to support the truthfulness and consistency of the findings.

Review of documents and physical artifacts. During this study I reviewed documents and physical artifacts as they emerged. I used the documents and artifacts, as recommended by Given (2008), to further develop interpretations in conjunction with oral histories as well as further investigate a historical topic. Documents identified during this study included tribal codes, treaties, memorandums of understanding, agreements, and police policies and procedures. Physical artifacts included tribal police uniforms, patrol cars, department logos and patches, buildings, and supporting equipment.

Analysis of Data

A primary collection of qualitative data occurred from in-depth interviews; peer reviews; member checking; journaling, and review of relevant archival records, documents, and physical

artifacts. These data sources required the organization of vast amounts of information, including the transference of spoken words into written words and then into typed files (Creswell, 2009).

To provide a systematic analysis of the data, the following steps as recommend by Yin (2003) were adapted and used:

1. Design the case study protocol.
 - a. Determine the required skills.
 - b. Develop and review the protocol.
2. Conduct the case study.
 - a. Prepare for data collection.
 - b. Conduct interviews.
 - c. Document review.
3. Analyze case study evidence.
 - a. Analytic strategy
 - b. Member checking
 - c. Peer review
4. Develop conclusions, recommendations, and implications based on the evidence.
5. Write report—summarize findings in a report that describes key themes and includes exact words from respondents' interviews.

Data gathering began with the analysis of interviews to examine individual characteristics and to create individual case histories. These were then used to find and describe possible trends and themes from the identified population. This information was coded, tabulated, and presented as part of the findings. These individual findings provided a means in which to conduct a further cross-case analysis in order to identify topics and categories and then dominant themes. The in-depth interview data were analyzed and cross-analyzed following steps recommended by Best (2012). These recommended steps included: (a) deciding on the central theme you wish to

search for in the text; (b) inventing a set of analytical categories (in a written text, these may be specific words); (c) counting the number of times or the amount of space given to each indicator as it appears in the text; and (d) drawing an inference based on the analysis.

During the analysis of data, member checking took place and input and feedback solicited from participants was reviewed and verified to ensure the information collected was accurate. Once participants had verified the accuracy of their responses and made any suggestions or corrections, the data were refined, including the review of any other supporting documents, journal entries, and peer review comments.

Following the steps recommended by Best, I proceeded to color-code the topics or categories in the transcripts aggregating the data in an effort to draw and appropriate inference and construct an explanation. All sources of data identified or discovered during the interviews was reviewed and used to help triangulate differences and unexpected evidence obtained in the research study.

Strategies to ensure credibility and trustworthiness. To ensure credibility and trustworthiness for this qualitative study, several strategies were used: (a) triangulation, (b) member checks, (c) peer examination, and (d) reporting researcher bias (Merriam, 2009). Table 4 below indicates how each strategy was applied in this study.

Table 4
Strategies for credibility and Trustworthiness

Test	Action
Standard Sampling Procedures	Using purposeful sampling, predetermined questions, and specific procedures for coding and analysis (Merriam, 2009).
Triangulation	Using multiple sources of data, or multiple methods to confirm the emerging findings (Denzin, 2001).
Member Checks	Checking one informant's descriptions of something against another informant's descriptions of that same thing (Fraenkel & Wallen, 1993). Continuously taking data and interpretations back to participants for their review feedback asking if results are plausible (Lincoln & Guba, 2000).
Peer Examination	Checking with colleagues to comment on the findings as they emerge (Merriam, 2009). Check with colleagues to ensure results presented have been interpreted correctly and all possible interpretations considered (Creswell, 2009).
Researcher Bias	Clarifying assumptions, worldview, and theoretical orientation at the outset of the study (Merriam, 2009).

Strategies to protect human subjects. Given the participant group chosen for this study, I gave careful consideration to the protection of human subjects. Prior to beginning this study I had approval from the Oregon State University Human Subjects IRB. Before conducting research and in advance of the interviews, I contacted participants and provided them with consent documents outlining the purpose of the research. I had subjects give their verbal consent and acknowledgment and understanding of these documents. Subjects' names and the names of their tribal police departments were excluded from this study to provide confidentiality. All data collected were kept in a secure location with the utmost importance of protecting participants' privacy. All participants were given alphabetic IDs that only I as the primary investigator was able to connect with the names of the participants. All other data was non-identifiable. If

participants' institutions had tribal-specific protocols or other requirements to ensure confidentiality, I complied with those policies and protocols.

Summary

For this study an ISS research methodology was identified as the philosophical approach. ISS provided an appropriate tradition in which the author shared a personal perspective at the outset of the study. Keeping with the ISS philosophical approach, my personal perspective includes being a strong advocate for tribal policing and the role a tribal police chief plays in providing leadership. It is my belief that tribal police chiefs are highly committed leaders who serve in critical positions to ensure that tribal traditions and sovereignty are maintained within tribal police operations. In this section, ISS was described as a philosophical approach that had the characteristics of hermeneutics, which in its most basic sense refers to the many ways we may theorize about the nature of human interpretation (Porter & Robinson, 2011). Applied to this research, ISS provides a consistent methodology for use because it promotes a philosophical approach in which the researcher strives to gain understanding through the exploration of how we read and interpret texts, works of art, verbal communication, or even nonverbal bodily gestures (Thiselton, 2009).

The method selected and used in this research study was based on a multiple case or multi-case exploratory study analysis. The purpose of the case study method is to contribute to our knowledge of individual, group, organizational, political, and related phenomena (Yin, 2009). The methods section detailed five key aspects of the research approach and design: (a) the research approach, (b) the research procedures, (c) the units of analysis, (d) the data gathering process, and (e) the criteria and interpretation of findings. Included in this section were the

philosophical and historical progressions of the selected ISS research approach, a detailed explanation of the design and proposed procedures for conducting the study, strategies for protecting human subjects, and concluded with a summary of the section.

Chapter Four: Results

This chapter presents the results from the research based on the data collected in the multi-case study that explored Native American police chiefs and their experiences working in Indian Country. The purpose of this study was to explore the stories and lived experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between Native American tribal policing and the U.S. legal system. Native American chiefs who participated in this study are not identified in order to maintain the confidentiality of each participant. The research focused on the following two questions:

1. How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them?
2. How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations?

In this study I used a multiple-case study design, which has been demonstrated to be highly effective in gaining a deep understanding of a specific phenomenon, which in this case were the challenges that have been created for tribal police chiefs in following the U.S. legal system. The use of a multi-case study design provides an appropriate means for potentially uncovering new and possible unexpected themes that could expand or create new theories on tribal policing.

For this multi-case study, five collection methods were used in the cross-analysis of the data: (a) semi-structured interviews; (b) journaling; (c) member checking; (d) peer review; and (e) the review of related documents and archival records from different sources, including

transcripts, interviews, U.S. legal codes, tribal codes, tribal constitutional documents, and any other supporting and related documents that emerged during the research process. Data were collected from all five methods. This chapter is organized into two sections. The first section of this chapter focuses on Native American police departments, demographics, and snippets of the tribal police chiefs' experiences at tribal police departments. The second section identifies the predominant findings that emerged from four themes and discusses in detail the qualitative results obtained from personal interviews, peer and member checking, personal journal entries and notes, and archival data and artifacts.

The interview questions used in this study were formed around two primary open-ended questions (see Appendix B). Open-ended questions were used to encourage interaction between the interviewer and interviewee and allowed participants to best voice their experiences unconstrained by any perspectives of the researcher or past research findings (Creswell, 2008). Follow-up or probing questions were used to elicit more information, provide clarity, or provide more detail as identified or needed (Klenke, 2008).

Profile of Native American Police Departments

There are approximately 356 federally recognized Native American tribes in the United States, with 229 of those tribes located in Alaska. As of September 2008, Indian tribes operated 178 law enforcement agencies with at least one full-time sworn officer. In addition, 42 agencies were operated in Indian Country by the BIA. Of the 178 law enforcement agencies, 157 were general-purpose police departments, and the remaining 21 were special jurisdiction agencies responsible for enforcing natural resource laws (Reaves, 2008). Tribally operated law enforcement agencies provide a broad range of public safety services that include: responding to

calls for service, investigating crimes, enforcing traffic laws, executing arrest warrants, serving process, providing court security, and conducting search and rescue operations. Tribally operated police departments employed more than 4,500 full-time personnel, including an estimated 3,000 sworn officers. In reviewing the current operations of tribal police departments I could not find any evidence or statistical data to identify how many tribal police departments are currently being administered by Native Americans. This lack of data made it difficult to substantiate the percentage of tribal police chiefs interviewed in relation to the target population of Native American police chiefs identified in this study and should be considered in future research on Native American policing.

Profile of Participants

Participants selected for this study were Native Americans serving at least one year as the chief officer in their tribal police departments. Not all participants went by the traditional title of police chief, as different tribes assigned an equivalent title such as tribal police administrator or police commissioner. Seven Native American police chiefs responded to my request to be interviewed and agreed to be interviewed for this research study. All seven of the chiefs were male and represented seven different federally recognized Native American tribes located across the United States. Tribal police chiefs were selected from three different geographical regions, which included four from the West Coast, two from the Midwest, and one from the East Coast.

Findings

This section discusses in detail the qualitative results of the data collected from each of the personal interviews, peer reviews, member checking, and the review of related documents and archival records from different sources, including transcripts, interviews, U.S. legal codes,

tribal codes, tribal constitutional documents, journal entries, and notes. The findings in this research were based on a qualitative rather than a quantitative methodology because it gives importance to the theoretical lens that this research was viewed through (Creswell, 2013). A qualitative research approach also is appropriate for this study because it provides a more appropriate means for “exploring and understanding the meaning individuals or groups ascribe to a social or human problem” (Creswell, 2013, p.246).

Interviews were conducted over a five-month period spanning March through July 2015. Seven Native American police chiefs participated in the interviews and represented seven different Native American tribes. Participants were selected based on their voluntary willingness to be interviewed as a part of this study and the geographic locations of their tribes. Because the purpose of the interviews was to develop dominant themes on their lived experiences as Native American police chiefs, having different participants representing different geographically located tribes added credibility to this research study.

The law enforcement experience of the chiefs varied, but all had extensive law enforcement experience prior to becoming police chiefs. The law enforcement experience of all tribal police chiefs interviewed was not gained solely from working at tribal police departments. Six of the seven chiefs interviewed had gained their prior law enforcement experience from nontribal police agencies such as city, state, and federal. The experience of chiefs ranged from 18 years to more than 38 years. To maintain the confidentiality and protect the identities of the participants, pseudonyms were assigned, starting with Chief A and ending with Chief G. Only the principal and secondary researcher knew the identities of participants.

Before participating in the interviews, participants were asked to review a verbal consent form and were provided with the opportunity to review the research questions. As required by IRB, participants gave verbal consent and were asked to have a representative of their tribe provide a written approval allowing them to participate in the study. After the participants agreed to participate and written approval was received, interviews were scheduled. Interviews were scheduled and conducted with the option of being done either in person or via telephone. Five of the seven interviews were conducted via telephone. At the start of each interview, chiefs were asked to share their police backgrounds and reasons for wanting to work as law enforcement officers in Indian Country. Below are introductions of the seven individual cases presented in the study.

Chief A

Chief A has a long and respected law enforcement–related career, serving more than 38 years in different positions and capacities. Although Chief A is a Native American and associated tribal member, not all of his policing experience was gained while working for tribes or a tribal police agency. For many years, Chief A worked outside of his own reservation for nontribal policing-related organizations. Being away from his own tribe for several years, Chief A gained a wide range of experience in working with different tribal police agencies. As I began my interview with Chief A, I quickly sensed the strong commitment he had for the profession of tribal law enforcement. Chief A, like all of the other chiefs I interviewed for this study, was now serving as a chief for his own tribe. When I asked Chief A why he came back to serve as a tribal police chief for his own tribe, he said:

When the opportunity arose I felt it was this opportunity to take all of my law enforcement experience, all of the trainings I did, and all of the contacts and everything I was able to witness and learn in 15 years travelling around in Indian Country to bring it here to put it to work and apply it. It was a really good opportunity to give to this tribe everything I have done in my lifetime to try to make things better. (personal communication, March 27, 2015)

After getting to know Chief A's background better, I asked him how the U.S. legal system has affected his tribal culture, traditions, and sovereignty, and how he was able to deal with those challenges. Chief A shared a number of significant problems that have resulted from the opposing nature of the U.S. legal system. Many of his experiences in dealing with the U.S. legal system involved problems that concern jurisdictional power and authority on and off the reservation.

A jurisdictional quagmire and nightmare. When Chief A shared his greatest U.S. legal challenges impacting his department, he listed jurisdiction as the biggest. Chief A shared that, "The federal interaction with this tribe has created a jurisdictional nightmare" (personal communication, March 27, 2015). Chief A shared that everything was going "OK" for his tribe until legal decisions such as the Oliphant decision and acts of the Supreme Court took away jurisdiction from tribes. Chief A further explained the U.S. legal system problems, stating:

So on top of that , we had the Dawes Act, which is another federal congressional act that divides our reservation into allotments, or a checkerboard reservation. We have five counties that are partially on or entirely on the reservation and nontribal communities in those areas, and so this creates a jurisdictional quagmire when it comes to public safety. (personal communication, March 27, 2015)

No jurisdiction over nontribal members. Chief A also provided numerous examples of the jurisdictional-related problems that exist in dealing with nontribal members on his

reservation. Chief A said that many of the jurisdictional problems that exist for his department are related to arrest power and authority over non-Indians. Chief A said that Public-Law 280 (PL-280) was one that “killed us.” He said that when PL-280 was passed, his tribe “foolishly” opted in for this law, which changed the system they had operated under to one that gave jurisdictional authority to the state and the county on public highways for traffic enforcement. Chief A explained this problem, stating, “We do not have any jurisdiction over our tribal members or other enrolled members criminally (on public highways), we have no jurisdiction over any non-tribal members or other enrolled members of other tribes” (personal communication, March 27, 2015).

No jurisdictional help from law enforcement partners. Chief A said that a number of U.S. legal system problems that currently exist in his department continue to be exacerbated by his nontribal law enforcement partners. One partner in particular that creates significant jurisdictional challenges for Chief A is the county sheriffs department. Chief A said:

The history plays a big part, because everything that we are experiencing, all these jurisdiction problems, everything we deal with on a daily basis, is a direct result of the history that has occurred here in the last 200 years. So there’s a lot of animosity on both sides. (personal communication, March 27, 2015)

When I asked Chief A how he was addressing the problems associated with working out legal challenges and navigating through that, he responded by saying:

We’ve basically given up on the idea of cross-deputization, because I just don’t see that as, you know, maybe it’s a solution if the sheriffs would work with us but, you know, you’re dealing with five counties, five sheriffs, five agreements. You know, if one sheriff gets unelected you’re now dealing with a new sheriff who may not hold the same values or the same opinions, so it just seems like the

fact it's more contentious, and it wasn't really worth the effort to put too much time into that.(personal communication, March 27, 2015)

Chief A had countless experiences in dealing with the unequal nature of the U.S. legal system and its implications on his tribal policing operations. My sense in talking with Chief A was that he was struggling with trying to find answers to why tribal policing is still viewed as inferior or unequal in its abilities.

Struggling to be an equal law enforcement department. When I asked Chief A what types of legal restrictions and challenges create the most difficulty in administering tribal justice, his response was, "I would say in terms of restrictions, in the past tribal police were always kind of looked at as the bastard child" (personal communication, March 27, 2015). Chief A said that the sheriffs make comments such as "they don't have the same training as we do" and question their ability to make sound police officer decertification decisions based on their sovereignty rights, which may not be consistent with the state's police officer decertification process. Chief A said many of the concerns were the furthest from the truth, stating:

Anybody becoming a tribal police officer has to pass adjudication, and that's the same standards that the FBI, secret service, and U.S. Marshall have to pass. That's way more stringent than the county has, plus our guys go through a background [check] every five years. (personal communication, March 27, 2015)

Restrictions to power and authority. When operating under the U.S. legal system, Chief A shared some of his challenges and the negative consequences that have resulted in unequal tribal law enforcement authority. Chief A first said, "Well, the tribe can't make laws that are counter to the federal government. The tribal codes were written by attorneys, you know tribal attorneys who basically defined our court system around the American court system and

our basic court” (personal communication, March 27, 2015). Chief A continued by giving a personal experience in the implications of having unequal power and authority, stating:

It’s unfortunate that sometimes we have to let them go. I had that experience myself. When I stopped a DUI [driving under the influence] one night, and the nearest state trooper was 50 miles away and the county was tied up with somebody in the jail, so I had to follow them home, but I had no legal authority to do anything other than what I did. And that’s the same thing with minor traffic. I have stopped people going 90 miles an hour, passing in no passing zones, nearly causing accidents, and if nobody’s available, they get their lucky day and they get off with a warning. (personal communication, March 27, 2015)

Hopes for resolution in U.S. legal challenges. Despite the many challenges facing Chief A, he remained optimistic on the future of tribal law enforcement and the progress that he will make for his tribal police department. While guarded in his views of the future, Chief A said:

I think that what we’re doing is winning public sentiment. I think that as I travel around the reservation I hear nontribal people saying, “You know, we think you should have authority, and you should come see us more.” And I hear public sentiment, at least the noncriminal sentiment, that we should have the same authority as anybody else. They don’t fear us. The sheriffs fear us for whatever reason. (personal communication, March 27, 2015)

Chief B

Chief B also has had a long and respected career in law enforcement. Like Chief A, Chief B spent almost his entire 35-plus years working outside of his reservation. Chief B gave one of his early views of choosing law enforcement as a career, stating:

I was the first member ever in my family to be a law enforcement officer. My grandmother wouldn’t talk to me for five years; my own father wouldn’t talk to me for three years. Because I was in law enforcement, and growing up as a child,

you didn't talk to the police, you had nothing to do with the police. We took care of our own problems. (personal communication, May 6, 2015)

Chief B, as required for this study, is a Native American and is currently serving as the tribal police chief for his associated tribe. Chief B retired from one nontribal police department, where he spent almost his entire career working for a midsized nontribal city police department outside of his own reservation. Being away from his own tribe for almost his entire career, Chief A gained in-depth policing experiences, progressing through the ranks while working within the police department. When I asked Chief B why he returned to his tribe to serve as police chief, he responded by stating:

They found out about me and asked me if I would come help them build a police department. I discussed it with my wife, and she thought I was crazy, but I explained to her that it felt like I needed to give back to the tribe. So I came to work for the tribal police department as the chief of police, and I have been performing that job, now going on my third year. (personal communication, May 6, 2015)

A theme that seemed to emerge from my interview with Chief B was his experiences in dealing with the sovereignty and its relationship to U.S. legal system limitations on tribal police jurisdiction and authority.

Understanding tribal sovereignty and tribal police department challenges. As both a tribal police chief and tribal member, Chief B acknowledged that he had to view his responsibilities from two different perspectives, that of a tribal police chief and that of a tribal member. Chief B explained that when forming his department, he had to understand the significance of this, stating:

So they [tribal council] had a vision of what the value is for the tribal police department: number one, to serve public safety, not only to the tribal community, but the outlying community. So they saw the value in that, and they also understood that in order to maintain some of their sovereignty they actually had to give up a few things in order to form a tribal police department. (personal communication, May 6, 2015)

Chief B frequently shared that he had to constantly educate tribal council on sovereignty and jurisdictional challenges. As a tribal police chief he understood the challenges, but as a tribal member that perspective was different:

As the chief of police, since I've been in this law enforcement gig for so long, I understand it and get it. As a tribal member, I would probably have a hard time understanding that. Had it not been for the tribal council buying into that and becoming a huge stakeholder during that part of it, I wouldn't be sitting here right now. (personal communication, May 6, 2015)

Chief B continued, commenting on the need for educating the tribe on the conflicts between the U.S. legal system and the tribe jurisdictional authority, stating:

They also need to understand that if we're actually going to be a law enforcement agency and we're going to be recognized professionally by our peers surrounding us through the state, we have to maintain credibility, and the only way to do that is, it doesn't matter if it's a tribal member or it's a nontribal member, they're all treated the same. (personal communication, May 6, 2015)

Chief B shared that tribal police departments continue to experience laws that create unequal policing practices. Chief B said that, while his tribe has seen success in addressing the many conflicts that the U.S. legal system has created, many other tribes still experience significant problems.

Unequal tribal police authority in domestic violence cases. One major problem that has been created by a conflicting U.S. legal system surround's the unequal processes involved in

domestic violence cases. When I asked Chief B about legal challenges that he saw as impacting his ability to get to where he needed to be as a police department, he stated:

I think that probably the key one that I would address would be domestic violence. Currently for us to file a restraining order or even a stalking order, we have to go through the county system, the district court system. Because we're not a court of record, we cannot issue those even on tribal members because they wouldn't be worth the paper they are written on off the reservation. (personal communication, May 6, 2015)

Chief B stated that a recent law, the Violence Against Women's Act, was supposed to address the tribe's ability to equally enforce restraining and stalking orders, but according to the chief, "It was supposed to address part of that, but it still hasn't, and the tribal court needs to be recognized as a court of record just like the district court would be. Right now we don't even fall into the level of judicial court" (personal communication, May 6, 2015). Issuing restraining orders against tribal members is a significant need, and as stated by Chief B, "They truly need to issue a restraining order against a tribal member that's going to work off-reservation as well as on-reservation, and currently they can't do that. And they need to be able to do that" (personal communication, May 6, 2015).

Compromising sovereignty to operate a tribal police department. As a chief responsible for starting a new police department, Chief B had to do many things, including giving up some tribal sovereignty in order to for a tribal police department to exist. Chief B shared that one thing the tribe had to understand regarding sovereignty and the issues surrounding was:

They all had to understand that by giving up that little piece of sovereignty it was not going to affect our overall sovereignty. So I think that was the largest stumbling block, the releasing of public records that as a police agency

recognized by the State, that's one of the things we had to do. (personal communication, May 6, 2015)

Chief B also shared that while giving up part of the tribe's sovereignty, they had realized they would be gaining more than they would be losing.

Chief C

As a young boy, Chief C had always wanted to be in law enforcement. At the beginning of the interview, he shared why he chose law enforcement as a career, stating:

I had a uncle that was in law enforcement and of course I always looked up to him, and as I got older I started reaching out to Indian law enforcement and when I turned 21 applied at several different departments. I ended up working for the city police department. (personal communication, July 16, 2105)

Like many of the other chiefs in this study, Chief C had worked most of his career in a nontribal police department, serving in various law enforcement positions. After retiring from the city police department, Chief C returned to his tribe, being hired first as an investigator and a few years as the tribal police chief. Chief C has more than 38 years of law enforcement experience, and the chief shared that working for his tribe is challenging. As I began my interview with Chief C, he quickly stated, "I've been the chief here now for about six years, and it is a challenge. One, because of the way the land is here, we have a very large area that we cover, and we cover about 11,000 square miles, it's very rough terrain with a lot of wildlife and trees" (personal communication, July 16, 2015).

The biggest legal challenge: Indian versus non-Indian. When asked about the biggest legal challenges affecting the chief's operations, Chief C stated:

Well, really I guess the biggest thing we have right now is non—what we call non-CIB—which is Certificate Degree of Indian Blood (see Appendix C). Where

we have non-CIBs commit a crime on our property, that has to be filed through U.S. federal court, and the problem we have is that the federal court doesn't want to take the small cases; they don't want to tie up their system with small crimes. (personal communication, July 16, 2015)

Chief C provided several other related examples of the problems associated with the complex and confusing nature of the U.S. legal system as it applies to arrest power and authority over Indians and non-Indians. Chief C stated:

There are a couple criteria you have to look at as well. If they're non-CIB, and another thing you have to look at is the crime. Is the crime against nature, or is it against the tribe? Say it's a crime against the casino or against another CIB. And that's how you determine it, because if it's . . . a public drunk, which is a crime against nature, you can arrest them because they are on our property. It's the same thing with drugs. Drugs are a crime against nature. (personal communication, July 16, 2015)

Chief C said that they regularly encounter problems with trying to determine their legal authority over the people with whom they come into contact. Chief C gave one specific example of this problem:

One night we did have an officer, where a guy actually beat a guy with a two-by-four in the parking lot, and the officer didn't realize he was a non-CIB. He was a new officer and wasn't quite used to asking the first question, "Are you a CIB?" He made the arrest and took him to jail, then about an hour or two later, [the officer] was visiting [the suspect's] mom and found out [the suspect] was a CIB so now [the officer's] on the phone calling to say, "Man I think I screwed up here." (personal communication, July 16, 2015)

Chief C said that trying to determine CIB versus non-CIB hinders their ability to equally take enforcement action. Chief C stated:

You know, I feel like there's got to be something there that, once we can prosecute them in our tribal court if they're doing minor crimes against us, or figure it out, how to file them in state court. That's a big thing for us right now.

You know, you get these cases and you go out there and sometimes there's just nothing you can do with it. (personal communication, July 16, 2015)

Conflicting jurisdictional authority. Chief C echoed many of the same challenges surrounding conflicting jurisdictional authority as did the other chiefs in this study. Chief C provided insights into his understanding of the problem, stating:

It goes back to the way Congress set the laws up and how they can be enforced on Indian land. Of course you can go back many, many years, and of course I don't think they really looked at it to see what the ramifications of people coming onto Indian land and doing stuff was. And so now, you know, they don't want to open that up and say, "OK, you have the authority." (personal communication, July 16, 2015)

Chief C's experiences in dealing with the complexities of working within multiple jurisdictions created several legal problems for his officers. Chief C's state is considered a "checkerboard" state, meaning that intermingled within their trust and restricted land is private and state-owned land. This checker-boarding effect has created complex jurisdictional issues related to a tribal officer's arrest power and authority. Chief C stated, "As a tribal police officer, our jurisdiction is on trust land and restricted land, and now we have a lot of cross-deputization [agreements] with our cities and counties. I think we have like 54 of them in place, basically with every county sheriff's department" (personal communication, July 16, 2015).

Unequal arrest power and authority. Some of the most frequently reoccurring problems shared by chiefs in this study were those associated with the unequal arrest power and authority given to them under the U.S. legal system. Chief C stated, "It's almost like we don't want you to be enforcing the law on non-CIBs. You know, Native Americans are your people

and that's who you need to enforce laws on you don't need to enforce the law on non-Native Americans" (personal communication, July 16, 2015).

Chief C said he was not sure why there were still so many problems surrounding the arrest and jurisdiction issues. One thing Chief C stated that illustrates the ongoing challenges and uncertainty in resolving the problems was: "Well the rumor, what you hear, is they won't really give you the absolute answer because they just want to, but the real reason is, they're afraid they're going to give us state authority" (personal communication, July 16, 2015).

Maintaining culture, tradition, and sovereignty. During the interview, Chief C shared that the U.S. legal system was not a significant problem in maintaining tribal culture, tradition, and sovereignty, but he clarified this by stating:

Basically we work things pretty much the same. Our laws, as far as the tribe's laws, pretty much mirror the state's laws. There are a few things they had to change a little bit because of the way the land is. So it's not like it's different in laws. We have to look at . . . who we're dealing with, because, like I say, with us mirroring the state law, it makes it a lot easier because basically you only have to learn one set of laws in a sense. (personal communication, July 16, 2015)

Chief C said that in maintaining sovereignty there was still some confusion as to what the tribe's sovereignty was:

I don't understand that because your city police, your county police, that's their jurisdiction. They can enforce the law on any nationality, any race, anything else, and there's no distinction there, you know. Why should we be any different on our land? Our nation is a nation unto itself; a lot of people don't quite understand that. It's like we're our own nation within the United States; we can make our own laws on our property. (personal communication, July 16, 2015)

Chief C mentioned many of the same problems that were experienced by the other chiefs in this study. As with the other chiefs I interviewed, I sensed that his legal system challenges,

while experienced in a different tribe, were consistent with and similar to those of the other chiefs I interviewed.

Chief D

Chief D has more than 27 years of experience, and like most of the other chiefs in this study, gained his experience in a nontribal police department outside of his own tribe. Chief D, although he did not start his career with a tribal-led police department, did work for the BIA, which allowed Chief D to work with his tribe but not as a representative of his tribe. When I asked him why he chose to go into law enforcement, he stated:

Well, growing up I had relatives that were police officers; My uncle was a police officer here, other relatives, and then just going through high school graduating—my brother, he went to college for criminal justice—and when I graduated, I went to college. I went to college for criminal justice, and I really didn't care for it, went for a year, and then I joined the army. I was military police. My brother graduated, and he became a game warden, and I did my time in the army, got out, and thought I would try college again but still wasn't into it; so I finished a year and then got hired as a game warden, and then I ended up getting picked up by BIA police department for 19 years and transferred here. (personal communication, July 1, 2015)

Chief D shared his experience, further telling me that his tribe had previously been policed by the BIA, as the tribe could not afford to have its own police department. Chief D said that in the mid-2000s, the tribe decided to take over policing services, forming its police department, where Chief D served.

Setting the stage for failure. Chief D shared his early experiences in dealing with the implications of starting a new department and how many people wanted to see the department fail. Chief D shared that when the tribe first started the department, their justification was that

they thought they could do it better. Chief D, who was then serving as a BIA police officer, asked why the BIA was letting the tribe take over its police service. The response given to Chief D was: “Well, not to put it bad, but he said the terms we have to use are, we have to give them a chance to fail, and if they can’t, they’ll [BIA] assist them, and then eventually if they can’t do it, they’ll take over again” (personal communication, July 1, 2015). Chief D said that many people in the tribe didn’t want the BIA to leave:

Well, you see, they didn’t want us to leave, and the tribe took over, and they started doing pretty good, and then the public stayed even. Some wanted the BIA back, some of them were happy with their law enforcement, but now that we’re back there’s more people saying we want the BIA back. (personal communication, July 1, 2015)

Chief D shared that the tribal police department is on the verge of going either way; it either has to straighten itself out, or the BIA can take over.

Unequal jurisdiction, arrest power, and legal authority. Chief D provided several examples of his experiences in dealing with unequal arrest power and associated jurisdictional challenges. Chief D shared a time when his department’s cross-deputization agreement was taken away:

One time, we used to be deputized with the county and it worked out OK. But as the years went on it was taken away, and part of that has do with tribal officers. When BIA was managing the tribal officers, they were seen no different than a BIA officer, and I don’t know, the county didn’t see it that way. (personal communication, July 1, 2015)

Chief D’s experiences in dealing with jurisdictional problems included a wide range of legal-related challenges, including the enforcement of traffic laws. Chief D provided a personal example:

I had a traffic stop of a car weaving all over the road, so I stopped them as a suspected drunk driver. It turned out to be a drunk driver, and it turned out to be a non-Indian, and he knew I wasn't cross-deputized by the county anymore. He asked, "Are you crossed-deputized by the county," and I said no, so he said, "Tell the sheriff where he can find me," and he took off. (personal communication, July 1, 2015)

From Chief D's stories, it appears the U.S. legal system continues to create unequal and unfair enforcement environments for tribal law enforcement officers.

An environment of bias toward tribal policing. Chief D shared his experience of bias from other law enforcement agencies. One of the stories he shared involved police 911 emergency dispatch:

There are problems with the counties too. Some counties we work very well with. They'll take pretty much anything we give them for non-Indians, and they'll do the same for us if it's a tribal member—they'll hold them until we get there. We work really good with them. One county, on the other hand, is completely the other direction, where you get a 911 call—they handle all the 911 calls and it goes through their sheriff's department. The first question they ask is [dispatcher], "Are you Indian or non-Indian?" And if you're not a tribal member, [they say], "We can't help you." And it shouldn't be that way. (personal communication, July 1, 2015)

Chief D said that he thought some counties viewed tribal officers in a biased way, stating, "I don't know, the county just didn't see it that way. If you were a tribal officer you were kind of a lower life form" (personal communication, July 1, 2015).

My interview with Chief D provided many examples and personal experiences that support that the U.S. legal system is significantly impacting tribal police operations.

Chief E

Chief E has served in law enforcement for more than 19 years. His experience, as with most of the other chiefs in this study, was gained from working in a nontribal police department outside of his own tribe. When asked why he wanted to pursue law enforcement as a career, Chief E stated:

I wanted to go to school for a criminal justice law enforcement program. I made it through the four years and actually wanted to go out of state. I had some friends out there [out of state], and so I went out there and didn't like it and ended up coming back here, and this job back at the tribe in my hometown was available. So for whatever reason, I came back home, and this was an opportunity to get closer to home so I took it, worked for 12 years. I was just kind of in the right place at the right time. I almost didn't take it [chief's position], but my wife said never look back, and that was 2008, so seven years ago. (personal communication, May 2, 2015)

Chief E, like all chiefs interviewed in this study, was working for his affiliated tribe. Like comments from other chiefs, Chief E shared that he had returned home to serve his tribe. Chief E's perspective on tribal police was somewhat different from that of other chiefs. At the start of the interview, Chief E said:

I think there is a little bit of a disconnect, and I say that because, you know, I'm not the kind of person that practices traditional Native American ways. I mean, I had been out of the community. I'm an only child so I was never really in a large family, so I didn't follow traditional ways. (personal communication, May 2, 2015)

Maintaining sovereignty and culture. Chief E shared his experience in the challenges his department had in maintaining sovereignty and culture. While Chief E shared that he couldn't think of anything that challenged his tribe's sovereignty, Chief E did state, "People don't understand that sovereignty and that inherent right of the tribal communities to have those rights" (personal communication, May 2, 2015). Chief E further commented on this, stating:

There are a lot of traditional values in this community, and although we're governed by, although we're our own sovereignty, we have our rules and regulations. We still have our Big Brother, the federal government, here. We still have the state and the county, you know what I mean. We still have these three entities that, although we have our own entity, we still have to play nice with everybody. (personal communication, May 2, 2015)

Chief E provided one additional insight into why his tribe's sovereignty and operations may have been heavily influenced by the U.S. legal system:

Well, I think that most of the time the tribes were looking to be recognized, and they pushed that; and the government acknowledged that; but then you had the Bureau of Indian Affairs say, "Here's the constitution, here's your boilerplate constitution, here's the Bureau of Indian Affairs policy and procedures for law enforcement." (personal communication, May 2, 2015)

Chief E said that he assumed that, in order for his tribe to be federally recognized in the late 70s or early 80s, they had to follow the federal guidelines but that now on the government side, they were looking to redraft their constitution, acknowledging the fact that the federal constitution was forced on them.

Unequal jurisdiction, arrest power, and legal authority. Chief E shared that his reservation, like several others across the country, is a checkerboard reservation. He shared that this created complex problems for his officers:

You know, I look at us, we're very unique in a sense that we are a checkerboard reservation. I can be standing in one of the tribally owned houses and right next door have a state house. So to break down those barriers, so I don't have to worry about what I'm doing and where I'm doing it. I don't have to second-guess myself, and at the end of the day let's do our job. (personal communication, May 2, 2015)

Chief E said that the jurisdictional challenges have created potential officer safety problems by having officers second-guess their jurisdictional authority. Chief E said that when a crime occurs, the community doesn't care who responds:

I know tribal families don't care what color the uniform is at 3:00 in the morning if they are getting help. We will always respond, but we've had deputies that were able to help us, and we have tribal members that don't live on the reservation, and we have been able to respond off the reservation, given our authority. So, you know, crime doesn't have jurisdictional boundaries, so law enforcement really has to work to eliminate some of that. (personal communication, May 2, 2015)

Chief E said that he had a good working relationship with the sheriff, but the state has limited his police authority. The chief stated:

The State says, we will give you authority over non-Natives on trust land, but I'm not giving you authority anywhere else in the state. But we want authority on your land. It would give us what we already have now but only in the boundaries of the reservation. They would basically be saying, "We will give you state authority, but it's only where you have jurisdiction." It's giving up too much to get so little. I just think that's really an encroachment on our sovereignty. (personal communication, May 2, 2015)

The environment of bias toward tribal policing. Chief E shared his experience in bias toward his department. The chief said that working with some agencies was challenging:

But you have two government agencies saying we're not cross-deputizing. You should just give us authority over everybody, but government to government they're saying that's not fair. We'll enforce our own, and you enforce your own. Well, that's great but now you're putting officers in harm's way. (personal communication, May 2, 2015)

Chief E gave his view of how the police department was viewed when he stated: "I came in as the changing of the guard. Really I kind of, the uniforms were different, three or four different

kinds of vehicles. I came in with the mentality [of] let's have structure, why [are] these are other departments looking at us like we're inferior?" (personal communication, May 2, 2015).

The chief said that in the past, the comments were that the "rez cops were always kind of a derogatory, less than us" (personal communication, May 2, 2015). Chief E said that his department had made a great deal of progress and that things were changing:

I think our community is proud of what we have here and they've acknowledged the fact that now we're looked upon as one of the departments that are able to, you know, we have the county guys that call us for backup now, and that never happened before. So you now you lost some of the tradition, but I think the community looks on us favorably, I guess, but I would like to think so. (personal communication, May 2, 2015)

Chief F

Chief F has served his entire career, working more than 35 years, for his tribe. His experience, unlike that of the other chiefs in this study, was gained from working his entire law enforcement career in his tribe's police department. When asked why he wanted to pursue law enforcement as a career, Chief F stated:

Ever since I was little, I wanted to be a police officer, and I never had any bad experiences with the police department here, even when I grew up here. I started in high school as a cadet, so I did the summers here, went to college, came back to patrol, did fish and game, made sergeant; absolutely loved it. I honestly think that was the best position here. Then became patrol lieutenant, then chief. (personal communication, March 24, 2015)

Chief F was the only chief interviewed who had spent his entire law enforcement experience with one agency. Chief F had a great deal of knowledge about his tribal police department and shared his stories in dealing with the U.S. legal system.

Exercising of sovereignty, traditions, and culture. Chief F commented early in the interview on tribal traditions. When asked about the legal conflicts with tradition, he stated:

If someone has a federal warrant, we will still do our best to exercise all our traditions. We always go tribal law until they do something to get into the state or to get them into the federal. Most of our cases are tribal law”. (personal communication, March 24, 2015)

Chief F shared that his tribe maintained their own government, which allowed them to have more jurisdictional control over their reservation. He said that, while they had a great deal of control, when it came to major crimes, “The Major Crimes Act still requires the feds to intervene” (personal communication, March 24, 2015).

Chief F shared his experience and practices in ensuring that his officers kept tribal traditions as part of their duties. He shared things that he required his officers to do:

Well, first of all we have them, there’s a book they read, it’s the tribal constitution that they have to look at to get a better understanding of pretty much who they’re working with or where they work. Because really when you look at it, it’s like a separate country here. (personal communication, March 24, 2015)

Chief F said that not all of his officers recognize the significance of the tribe’s culture and traditions:

Some will come and do their job and go home because it’s a whole different world they’ve never seen. It’s hard to know when you bring someone in, and they work here a couple of months, and they’re like, “Oh my God, these people.” And I’m sitting here thinking, “Hey, you work for these people; you need to remember that; and I don’t want to hear that shit again.” (personal communication, March 24, 2015)

Bias and discrimination toward tribal police. Having both lived and worked his entire life on the reservation, Chief F provided unique perspectives on his law enforcement

experiences. He shared that “anyone who comes in, they’re going to get such a wide wakeup . . . a WOW” (personal communication, March 24, 2015). He continued sharing, stating: “I’m the actual outsider here, and everybody is staring at me. Oh, it’s stressful. I mean, like, you come in here ready to work, you work for the community, and you’re being called a chaple, a fucking white guy, get out of here” (personal communication, March 24, 2015).

Chief F shared that he was making progress and that his department was finally being recognized as a credible department. He said:

That’s just it. Now, you know, we’re finally getting recognized, we’re not a joke of a department. The only bad thing is my pay. My pay; you know, is just awful. It’s awful for the guys, but you have to remember coming from a tribe that’s broke, running on a 75% unemployment rate. And already my guys [are] there handling fight calls, domestic calls, rapes, pursuits, and all these things out here, they’re busy. And when they get a job offer from a department, and they’re paying twice as much because they’re certified. They’re paying them almost double what they’re making to do half the work, to do nothing but dog calls. (personal communication, March 24 2015)

Chief F said that he also recognized there were a lot of outside agencies that did not agree with the amount of jurisdictional and arrest authority that Chief F had for his department. He stated, “They can jump on us, yes, but we have two of the best dogs in the State. We have a patrol dog, and we have a K-9 division. I mean, we have stepped up our game in the last two years” (personal communication, March 24, 2015).

Unequal jurisdiction, arrest power, and legal authority. Chief F’s experience was different from that of the other chiefs in this study. Chief F’s tribe is not considered a checkerboard reservation, and Chief F said this has resulted in a reduced number of jurisdictional problems and related arrest power and legal authority problems. Chief F said that, in the past, his

officers would not respond to calls off the reservation unless it was “an absolute life or death situation” (personal communication, March 24, 2015). He said that recent changes in state law have changed this, stating, “So that . . . was the one thing that really turned the tables in our guys’ favor; it just lets you be a police department and function like you need to” (personal communication, March 24, 2015). Chief F said that there are still jurisdictional challenges related to enforcement on the waterways located on the reservation. Chief F said that, as part of a previous compact to access water rights, the tribe had to agree to have the county provide enforcement rights, which required the tribe to cross deputize county officers. The chief stated:

That was part of the compact that the tribe signed with them. That the marine patrol, that section would be patrolled by the county, and they would be cross-deputized; but that was a compact that the tribe agreed with”. (personal communication, March 24, 2015)

The chief said that, other than the waterways, the tribe does not cross-deputize nontribal law enforcement officers. The chief stated, “That goes way back in the council, and they will never approve it, because it’s in their treaty” (personal communication, March 24, 2015).

Chief G

Chief G has served in law enforcement for more than 18 years. His experience was gained primarily from working in tribal police departments both outside and within his own tribe. Chief G has been working for his tribe’s police department for more than four years and has been the chief for almost two years. When asked why he wanted to serve as the police chief for his tribe, he stated: “I have, altogether, 18 years. I’ve been the chief coming up on two years. I started out here as a captain. I wanted to try something different, a little bigger, and this department is a little bigger than my other department” (personal communication, March 19, 2015).

Maintaining tribal sovereignty, traditions, and culture. Early in the interview, Chief G shared that he had good working relationships with the sheriffs. He shared that many of the problems related to tribal sovereignty, traditions, and culture were more severe in the past. He stated:

You know, at first I heard this story that some of the issues they were facing six or seven years ago was that the local sheriff's department, when they would come onto the tribe's reservation, they didn't understand how tribal law enforcement operated. There was no communication as far as informing tribal police that they would be chasing a suspect onto tribal land or even serving a warrant in the area, and that caused a lot of uproar with the leadership of the tribe. I think that it was them not knowing what sovereignty was within the tribal side. (personal communication, March 19, 2015)

The chief further commented on existing sovereignty-related challenges, stating:

You know I think that, listening to some of the chiefs and the public safety director, the challenges they have in their area, you know you get the local leadership like our governors or lieutenant governors that sometimes don't understand the side of sovereignty and law enforcement. They don't know the ins and outs of certain laws and why they operate the way they operate. Sometimes you have some interference with it here, and that causes some disruption and disservices even to community members. (personal communication, March 19, 2015)

The chief shared that parts of the problem have changed now, and that there has been training on Indian law enforcement that is available for state agencies. The chief said that in the past year his department has also implemented a cultural committee to help train his officers. The chief stated:

They call it the cultural committee, and it's a group of individuals from the tribe, mainly elders. What we did is, we asked if they could provide some training to all of our officers so they understand the culture and traditions". (personal communication, March 19, 2015)

Chief G said that there were important times during the year when they needed to make sure the officers understand that side of it. The chief also shared that he has his officers contact tribal community members and work with the elderly, as “they have a lot of good knowledge on the culture and traditions” (personal communication, March 19, 2015).

Challenges to jurisdiction, arrest power, and legal authority. Chief G shared that, to address the jurisdictional problems when enforcing laws, his tribal officers have to carry multiple law enforcement commissions:

In the southern area, we carry four commissions. One is a state commission issued by the State Police, and that gives us authority to deal with non-Native individuals within tribal lands. The others are county commission, and now we also have the special law enforcement commissions so the officers are blanketed with a lot of commission if they have to deal with non-Native individuals that do come onto tribal land. (personal communication, March 19, 2015)

Chief G shared one specific area in which there remains a problem. This was the area of the enforcement of civil infractions. Chief G stated:

I think the side of knowing what sovereignty is and how it relates back to the tribe here is one area that touches on our civil infractions. When I say civil infractions, it is our traffic citations. There was talk about wanting to move in that direction, where we can actually cite non-Natives into tribal court. (personal communication, March 19, 2015)

Chief G said that currently his tribal officers are not able to cite non-Natives into tribal court and stated: “I guess you could say that it touches on the sovereignty side of that, where the tribe now is exercising that right as a sovereign tribe to do civil infractions with citing individuals, such as non-Natives into tribal court” (personal communication, March 19, 2015). The chief shared that currently his officers must cite non-Natives outside of tribal court.

Presenting the Dominant Themes

After interviewing all seven of the tribal police chiefs, an analysis of the cases was conducted. Each interview resulted in rich conversations and the collection of information and notes. During the initial analysis phase, individual narratives that were digitally recorded were uploaded onto a password-protected computer for initial review and analysis. The recordings were then transcribed to form individual written narratives, which were read and reviewed to confirm the accuracy of the content. The individual transcribed narratives were then entered into a database to organize them for further analysis. Transcribed narratives were reviewed multiple times against the two primary questions. In the initial analysis, keywords, phrases, and patterns were coded as they related to the questions. After coding was completed for each transcribed narrative, codes were then cross-analyzed and compared between case narratives to create a conceptual framework that contained topics and categories that were recorded in a spreadsheet. The recorded topics and categories were then repeatedly reviewed to identify themes. Themes were identified and established if more than three quarters of the participants' answers were similar or related. Once themes were created, a review of personal journal entries for each interview was conducted to provide clarity and personal insights in the interpretation of the themes. As a result, the following dominant themes emerged:

1. The U.S. legal system has had a significant influence on the operations of today's tribal police departments and their adherence to tribal culture, tradition, and sovereignty.
2. Tribal police chiefs and their departments have unequal police authority and power in Indian Country.

3. Jurisdictional restrictions created by the U.S. legal system have created complex, confusing, and challenging conflicts for tribal police chiefs.
4. The U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments.

Theme 1. The first theme that emerged was that the U.S. legal system has had a significant influence on the operations of today's tribal police departments and their integration of tribal culture and tradition. All of the chiefs shared their personal experiences in working within tribal police departments. The chiefs described their departments as having been influenced by predominant U.S. laws, the legal system, and Westernized policing guidelines, which may have resulted in the minimizing or loss of tribal culture, tradition, and sovereignty within the development of their departments. One chief said, "They also understood that in order to maintain some of their sovereignty they actually had to give up a few things in order to form a tribal police department" (personal communication, May 6, 2015).

Another chief continued on this point, stating:

I think that most of the time the tribes were looking to be recognized, and they pushed that, and the government acknowledged that, but then you had the Bureau of Indian Affairs say, "Here's your boilerplate constitution, here's the Bureau of Indian Affairs policy and procedures for law enforcement. (personal communication, May 2, 2015)

Chiefs recognized that their tribal police departments operated consistently with non-Native police departments, with one chief stating, "Well, at this stage of the game you just have to go with the flow" (personal communication, March 27, 2015). The chiefs shared that they wanted to be recognized as equals with their non-Native police counterparts and that this desire

had often required their departments to adopt Westernized policies and procedures, and alignment with U.S. laws and regulations in their enforcement activities. One chief emphasized this point, stating, “In the past, tribal police were always kind of looked at as the ‘bastard child’ within the federal system” (personal communication, March 27, 2015). Chiefs also recognized that, while tribal culture and traditional values were important, they had to balance those with nontribal policing mandates, with one chief stating:

There are a lot of traditional values in this community, and although we’re governed by, although we’re our own sovereignty’ we have our own rules and regulations’ we still have our Big Brother the federal government here; we still have the state and the county, you know what I mean. We still have these three entities that, although we have our own entity, we still have to play nice with everybody. (personal communication, May 2, 2015)

These comments and experiences shared by the chiefs in their police departments are consistent with the same types of historical legal challenges and the views long held toward Native Americans. They also illustrate some of the historical issues that still plague a tribe’s ability to maintain control over their own departments, including police operations and enforcement activities. One chief said it appropriately when he stated, “History is a big part because everything that we’re experiencing is a direct result of the history that has occurred here in the last 200 years, so there is a lot of animosity here on both sides” (personal communication, March 27, 2015).

History has shown that many of the challenges still facing tribal police chiefs and their departments are deeply rooted in past conflicting legal experiences and practices imposed on Native American tribes. As the U.S. government moved to assimilate Native Americans, the legal system played a pivotal role in these efforts. One historical example of this problem is

illustrated by the early reformers, who wanted to end tribal authority through the extension of federal, state, and local laws on Native Americans. According to Olson and Wilson (1986):

The reformers also wanted to end tribal authority and extend federal, state, and local laws to all Native Americans. As long as the federal government treated the tribes as separate, insular communities, independent of civilized law and subject to their own legal constraints, assimilation would never occur. (p.62)

With those early efforts to assimilate Native Americans and to end tribal authority through the imposition of restricting U.S. laws and regulations, Native American police chiefs are still experiencing the residual effects of those past efforts, having to battle for the right to exert their full legal and policing authority on tribal lands. One chief shared his experience with this ongoing problem, stating:

It goes back to the way Congress set the laws up and how they can be enforced on Indian land and so forth. Of course you can go back many, many years, and of course I don't think they really looked at it to see what the ramifications of people coming onto Indian land and doing stuff; and so now, you know, they don't want to open that up and say, "OK, you have the authority; because, I don't know, it's kind of like they're afraid they're going to let us do something. (personal communication, July 16, 2015)

With decades or even centuries of federal government intervention into directing and controlling tribal law enforcement activities, tribal police departments have not escaped the implications of those controlling and restricting legal efforts, becoming casualties of the U.S. legal system. Those past efforts to control or eliminate tribal authority may have influenced the development of current tribal police departments by forcing them to adopt the U.S. legal system and assimilate Westernized policing practices. One chief provided an example of this:

Our laws, as far as the tribe's laws, pretty much mirror the state's laws. There's a few things they had to change a little bit because of the way the land is and stuff;

so it's not like it's different in the laws . . . like I say, with us mirroring the state law, it makes it a lot easier because basically you only have to learn one set of laws in a sense. (personal communication, July 16, 2015)

During the interviews, chiefs shared that tradition, culture, and sovereignty were important for their tribes but that following the U.S. legal system made it easier for them to operate as tribal police departments. While not all chiefs shared the same degree of legal challenges experienced by the effects of the U.S. legal system, all said there is still a degree of legal bias and inequality in their ability to run their tribal police departments within their sovereign rights to do so. Luna-Firebaugh (2007) provided one final insight into the historical legal challenges and views of tribal policing, stating, "Many of the legal challenges to Indian policing are a vestige of an age when the federal government believed that Indian justice was primitive and incomprehensible" (p. 127).

Theme 2. The second theme that emerged was that tribal police chiefs and their departments have unequal police authority and power in Indian Country. In an effort to gain an in-depth understanding of the lived experiences of the ongoing legal conflicts and challenges experienced by Native American police chiefs, I asked the study participants to identify the biggest challenges currently facing their tribal police departments. One dominant challenge shared by chiefs was the granting of equal legal police power and authority under the U.S. legal system while working in Indian Country.

There still exists a great deal of disparity for tribal police departments in exerting their legal police power and authority over all citizens regardless of who they are or where they are located. This problem experienced by Native American police chiefs has deep historical roots.

The dominance of the federal government in defining the legal precedence over Native peoples has long existed for Native American tribes. According to Levinson and Smith (2012):

Over time, the federal government firmly entrenched this hierarchy by developing and applying legal principles such as the federal plenary power over Native peoples, the related trust responsibility of the federal government to act for and on behalf of Native peoples, and the doctrine of discovery, all of which purport to place supreme power in the hands of the federal government and legitimate continuing wrongful deprivation of Native lands, resources, and governing authority. (p.217)

One chief explained his experience in dealing with a legal system that restricts his police power and authority and continues to create significant challenges for his department:

It's almost like they don't want you to be enforcing the law on non-CDIBs (see Appendix C: Certificate of Degree of Indian Blood). You know; Native Americans are your people, and that's who you need to enforce laws on; you don't need to enforce the law on non-Native Americans. (personal communication, July, 16, 2015)

Chiefs shared several examples and stories related to the conflicting legal problems that have created an unfair application of police power and authority for tribal police departments. These stories included personal stories of the conflicts they personally faced, with situations that required them to take police action. One chief shared these two stories:

It's unfortunate that sometimes we have to let them go. I had that experience myself when I stopped a DUI one night and the nearest state trooper was 50 miles away and the county was tied up with somebody in the jail. So I had to follow them home, but I had no legal authority to do anything other than I did.

His second story revealed another similar issue:

As law enforcement now we only enforce tribal law on tribal members. Now, say for example somebody kills somebody we will arrest them on the tribal charge of murder, which we do have. It's a misdemeanor, but we will arrest them on that, and we will detain them on that pending a federal investigation. . . . Tribes only have misdemeanor authority over tribal membership. (personal communication, March 27, 2015)

Another chief shared his experience:

One night we did have an officer, where a guy actually beat a guy with a two-by-four in the parking lot, and the officer didn't realize he was a CIB. He was a new officer and wasn't quite used to asking the first question, "Are you a CIB or not?" He made the arrest on the guy and took him to jail, then about an hour later, [the officer] was visiting with [the suspect's] mom and found out [the suspect] was a non-CIB; so now [the officer's] on the phone calling, saying, 'Man, I think I screwed up here'. (personal communication, July 16, 2015)

Another story:

I got into a pursuit. I had a traffic stop of a car weaving all over the road; so I stopped them as a suspected drunk driver, and it turned out to be a non-Indian; and he knew we weren't deputized by the county anymore, and one of the things he said was, 'Are you deputized by the county?' And I said no. And he said, 'Tell the sheriff where he can find me.' And he took off. (personal communication, June 11, 2015)

The above stories illustrate the wide range of complexities, concerns, and challenges that tribal police officers face on a daily basis. They also provide examples of the disparities in arrest power and jurisdictional authority that exist in Indian Country.

One last story:

I'll give you an example. The day before yesterday we had a non-CIB shoplift a bathing suit, a \$60 bathing suit out of our gift shop there at the casino. Well, theoretically, that has to be filed in federal court because it's a crime against a

Native American entity. But the attorney's office says, "We can't take it; it's too small of a case. We won't take it." We just abandon. We admonish them. There's really not any other thing other than we don't allow them to come back onto our property. (personal communication, July 16, 2015)

This last story, while not a direct police arrest authority issue, illustrates one of many related consequences, such as the prosecution process, that contribute to the unequal legal system processes that occur in Indian Country. As stated by Sachs and Morris (2011):

Prosecution for most Indian Country crime rests with federal attorneys. However, federal prosecutors are more likely to decline cases that involve crime in Indian country than to prosecute: 76 percent of all potential cases are declined by U.S. attorneys who have jurisdiction in Indian Country. (p.68)

These stories and several others shared by the chiefs in this study illustrate the ongoing disparity that exists in the granting of police power and arrest authority for many tribal police departments. The contradictory laws, legal system, and competing authority required of tribal police departments continue to create serious problems for them. Walker et al. (2012) commented on this, stating, "Competing authority among tribal police agencies, county sheriff or city police departments, and federal authorities creates serious problems for effective law enforcement" (p.141).

The chiefs interviewed in this study shared varying degrees of legal conflicts that have resulted from the continual competing of authority that exists in Indian Country.

One chief agreed with the above statement, saying:

And it's the same thing with minor traffic. I have stopped people going 90 miles an hour passing in no passing zones, nearly causing accidents, and if nobody's available they get their lucky day, and they get off with a warning. We have no

other authority. To me it threatens public safety and it also ties everybody up. (personal communication, March 27, 2015)

Another chief voiced his frustration with this problem:

We've basically given up on the idea of cross-deputization because I just don't see that as—you know; maybe it's a solution if the sheriffs would work with us—but, you know, you're dealing with five counties, five sheriffs, five agreements; you know, if one sheriff gets un-elected, and now you're dealing with a new sheriff who may or may not hold the same values or the same opinions. So it just seems like . . . it was not really worth the effort to put too much time into that. (personal communication, March 27, 2015)

Another chief shared similar frustrations stating:

I don't understand that because you're city police, you're county police, that's your jurisdiction, they can enforce the law on any nationality, any race, anything else, and there's no distinction there . . . so why should we be any different on our land?" (personal communication, July 16, 2015)

The ongoing disparity of the legal power and arrest authority that exist under the current U.S. legal system will continue to put tribal chiefs and their departments at risk.

One chief provided his compelling experiences with this problem:

Well, we'll enforce our own, and you enforce your own. Well, that is great, but now you're putting officers in harm's way; because what if something goes bad and somebody pulls a gun or a knife and now I'm just an average person out there? What if I take someone into custody? What if somebody gets shot? What if? Do I need the liability? We don't have those protections we do when we have that authority to enforce what we're trying to. (personal communication, May 2, 2015)

It is obvious from stories and lived experiences of the chiefs interviewed that the U.S. legal system has created an environment in which tribal police are at a disadvantage when

it comes to having the equal police power and authority of their nontribal police counterparts. This disadvantage, as one chief stated, “Threatens public safety.”

Theme 3. The third theme that emerged was that jurisdictional restrictions created by the U.S. legal system have created complex, confusing, and challenging conflicts for tribal police chiefs. “Our biggest challenge here is jurisdiction” (personal communication, March 27, 2015). This quote from one of the chiefs interviewed in this study was echoed by almost every other chief in this study.

The jurisdictional challenges that currently exist on many tribal reservations, according to one chief, are the result of the passage of the Dawes Act, which occurred in 1887. As stated by one chief:

The Dawes Act . . . is another federal congressional act that divides our reservation into allotments or a checkerboard reservation. We have multiple counties that are partially on or entirely on the reservation. The nontribal communities in those areas create a jurisdictional quagmire when it comes to public safety. (personal communication, April 27, 2015)

With the passing of the Dawes Act, the federal government moved to further assimilate Indian tribes by “dividing collectively controlled reservations into individually owned allotments of land” (Greenwald, 2007, p.1). The dividing of tribal land on Indian reservations created multiple jurisdictions that tribal police officers must constantly be aware of in the performance of their duties.

Holmes (2008) further commented on the effects of the Dawes Act, stating, “The Dawes Act is one of the most important and controversial laws in American Indian history, its effects are still felt today” (p. 219). The dividing of land on reservations

through the Dawes Act has resulted in the creation of what is referred to as “checkerboard” reservations. As stated by Hickey (2003), “Indian country is interspersed with on-Indian lands, often referred to as ‘checkerboard areas’” (p.253). Checkerboard reservations are those reservations where tribes no longer own all the land located on their reservations. One example of a checkerboard reservation can be found in Minnesota, with the Leech Lake Band of Ojibwe reservation. The passing of the Dawes Act, combined with the Nelson Act two years later, allotted 80 acres of non-pine land to each tribal family within the boundaries of the reservation, the remainder to be opened up to timber companies, railroads, and settlers (Schumacher, 2014). As a result of this action, the Leech Lake reservation became a checkerboard reservation. Figure 2 provides an illustrative example of the checkerboard effect and how it looks on the Leech Lake Reservation. The Leech Lake reservation has roughly 800,000 acres within the reservation boundaries. Of those acres, half are state forest or other state land, and another 230,000 acres are water or wetlands. Of all the acres contained within the reservation boundaries, the tribe holds only about 30,000 acres, a little less than 4%.

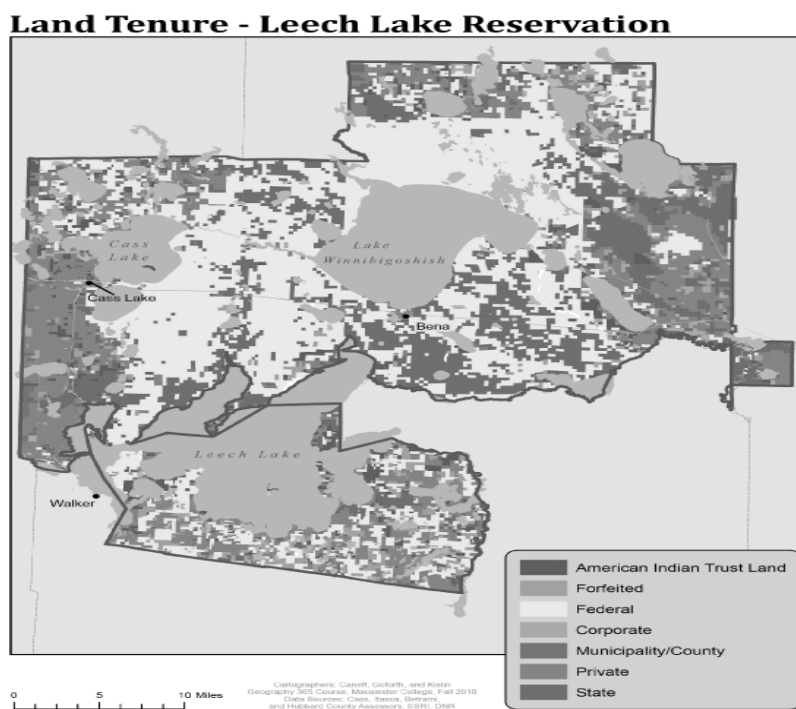


Figure 2. Leach Lake Land Tenure. Taken from L. Schumacher, retrieved August 1, 2014, http://www.ruralmn.org/rmj_winter2014/rmj2014q3-land-control-dilemma/#. Copyright 2014 by Center for Rural policy and Development.

The “checkerboard” effect on reservations has had profound impacts on tribal police departments and created a variety of legal challenges for them as they try to enforce all laws, both tribal and nontribal, within their reservations. This historical dividing and “checker-boarding” of land in Indian Country by the federal government, according to one chief interviewed, “has created a jurisdictional nightmare for the tribe” (personal communication, March 27, 2015). The “jurisdictional nightmare” that many tribal police chiefs face requires them to look at each and every call for service to determine jurisdictional authority. The process of determining jurisdiction can often be complex and confusing. To help determine jurisdiction, Hickey (2003) stated: “Three

questions can be asked in an attempt to determine jurisdiction: (a) Did the crime occur on state land or Indian country land?; (b) Is the offender or victim a Native American?; and (c) Is the crime a felony or misdemeanor?" (p. 253). Although those questions may appear straightforward, determining jurisdiction still can be confusing. Chiefs provided several examples of the complexity and jurisdictional confusion they face on a regular basis, with one stating, "As a police officer our jurisdiction is on trust and restricted land. Now we have a lot of cross-deputizations with our cities and counties. I think we have like 54 of them in place (personal communication, July 16, 2015).

Another example was provided by Hickey (2003), who stated, "The issue of jurisdiction is a major concern for those handling crimes in Indian Country. Public safety dispatchers (in non-PL280 states) must determine which law enforcement agency should initially respond to crime" (p. 253). Hickey's point was put into real-life context for one chief, who had firsthand experience with the jurisdictional problems associated with police dispatchers. The chief stated:

The county, on the other hand, is completely the other direction. Where you get a 911 call—they handle all the 911—it goes to their sheriff's department. The first question is, are you Indian or non-Indian? And if you're a tribal member, we can't help you. And it shouldn't be that way. . . . A 911 call is a 911 call, no matter who, because with the casino and other business here you get so many people from around the United States working here; they don't know the difference, and why should they? (personal communication, July 1, 2015)

Finally, one chief shared his experience on this issue, stating:

In a sense, we're kind of a checkerboard reservation. I can be standing in one of the tribally owned houses and right next door have a state-owned house. So to break down that barrier so I don't have to worry about what I'm doing and where

I'm doing it. I don't have to second-guess myself, and at the end of the day let's do our job. (personal communication, May 2, 2015)

When looking at the many jurisdictional challenges that chiefs shared, "checkerboarding" was not the only factor that contributed to the problem. During the discussion on jurisdiction, chiefs frequently mentioned sovereignty as being a point of contention when addressing jurisdictional authority and enforcement activities. Chiefs shared that there is a lack of understanding in the relationship between sovereignty and law enforcement responsibilities. One chief stated:

Sometimes they don't understand the side of sovereignty and law enforcement and not knowing the ins and outs of certain laws and why they operate; the way they operate, and sometimes you have some interference with that side of it, and it causes some disruption and disservices. (personal communication, March 19, 2015)

Other chiefs shared their experiences related to the lack of understanding of sovereignty, with another chief stating, "Our nation is a nation unto itself, and a lot of people don't quite understand that. It's like we're our own nation within the United States; we can make our own laws on our property." (personal communication, July 16, 2015)

Another chief said, "I'll be honest with you. When I was with the city PD the mentality there was, 'Hey, we're just not going to go down there [to the reservation] unless we have to; because we didn't want to learn it, we didn't want to know it.'" (personal communication, July 16, 2015)

Finally, one chief added, "It's a little hard. I have to spend a great deal of time educating the council on why this is what we need to do, because they still have that fear of giving up

sovereignty, which, I understand that, I get that, not as the chief of police but as a tribal member.” (personal communication, May 6, 2015)

For many of the chiefs interviewed, sovereignty remained an important responsibility that they held very closely in their leadership positions. All chiefs shared that they worked hard to ensure that sovereignty was maintained in their police operations and made efforts to educate and inform their nontribal counterparts as often as they could. One chief gave an example of this stating:

For us, it’s that push to get out there and try to be a team player and work to try to make people aware and understand this is a sovereignty no different than going into Canada or Mexico; we have certain rules and regulations.” (personal communication, May 2, 2015)

While the U.S. legal system has greatly influenced and impacted the operations of a tribal police department, all chiefs recognized that protecting sovereignty for the tribe was an overarching responsibility that they took very seriously.

Theme 4. The final theme that emerged was that the U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments. During the interviews, many of the chiefs shared personal stories of experiences they have had during their careers as law enforcement officers. Unlike many of their nontribal police counterparts, Native American police chiefs are regularly faced with complex jurisdictional problems, police power and authority restrictions, challenges to sovereignty, and the historical implications of bias and racial discrimination. Native American chiefs are tasked with leading departments that face difficult and unparalleled challenges. Combined with budget, personnel, pay inequality,

greater workload, higher rates of crime, and larger geographic responsibilities, tribal policing, as Greene and Gabbidon (2009) stated, “leaves much to be desired” (p. 809).

One of the major biases that the legal system has created for tribal law enforcement departments and one that was consistently shared by chiefs and discussed earlier in this chapter was the disparity in law enforcement authority over nontribal members. This legal problem was created in 1978 when the Supreme Court via the *Oliphant* decision ruled that tribal officers have no authority to arrest nontribal members, reducing the ability to enforce laws on and near reservations. One chief concurred with the reasoning behind the loss of jurisdictional and arrest authority, stating, “Everything was OK of course until the *Oliphant* decision and the act of the Supreme Court case. And so that’s what took our jurisdiction away from the tribes over nontribal members” (personal communication, March 27, 2015).

As a result of the Supreme Court decision, the continuity of law enforcement depended on the discretion of each new sheriff, potentially creating legal biases between the tribes and counties. The discretion of the sheriffs to cross-deputize tribal law enforcement officers was a significant point of contention, with most of the chiefs agreeing there were problems for some in the past and others currently. The problem exists primarily with having one person making the decision whether to grant law enforcement authority to tribal police departments (cross-deputizing). One chief stated, “It’s kind of the sheriffs’ fault we are in this situation. They wouldn’t work with the tribes to begin with” (personal communication, March 27, 2015). The chief’s point was directed at the historical dealings between the county and the tribe, which expanded far beyond just the police jurisdiction and authority issue. As one chief shared:

I think the government to government is where a lot of the conflict is; and when you get that kind of conflict, when someone—say, like myself—wants to push something, like we should have authority here. They're looking at it not as a safety thing; well, it's the tribe against the state and we can't do that. (personal communication, May 2, 2015)

As top executives of tribal police departments, tribal police chiefs say—unlike their nontribal police chief counterparts—bias toward their departments and officers remains a constant challenge. One chief gave an example of this, stating, “I mean, you look into the sheriffs, the sheriffs will say, ‘Well, the tribal police don't have the same training we do’” (personal communication, March 27, 2015).

Other examples were given, with another chief stating, “Well, when I first started, a lot of times you would hear kind of in the background, ‘Oh, he's just a tribal police officer. He can't do anything.’ And, you know, ‘They don't know anything and whatever’” (personal communication, July 1, 2015).

Still another chief had thoughts on the matter:

Why are these other departments looking at us like we're inferior? . . . We are training with each other; so to me that brought credibility of our department up with the community, not just ours, but others that looked down on the tribe in the past that think that rez cops—that was always kind of a derogatory, less-than-us kind of comment. (personal communication, May 2, 2015)

The biases experienced by many of the chiefs in their police departments may be deeply rooted in much bigger problems, such as racism. This point was brought to light by Sachs and Morris (2011), who stated, “Improper police behavior toward Indigenous people is part of a broader pattern of racism that has been lessening over the last thirty years but that still constitutes a major problem” (p.86).

Historically, racism has played a significant role in the interactions with Native Americans and the police. Many tribal communities have had long and painful experiences in dealing with police and other governmental authorities. One chief shared his experience: “Here you are programmed to hate the cops, because—that’s what I mean—my family never had any bad run-ins with police officers, but a lot of people do. It’s just bred in them” (personal communication, March 24, 2015).

According to Joseph (1995):

Not surprisingly Native Americans, who historically have had bad relationships with whites, have a general distrust of police. They view police officers as representative of the white establishment. For their part, many police officers view American Indians with suspicion and are likely to harass them because of stereotypes of Native Americans. (p.84)

One chief provided a real-life example of the above quote when he spoke about a time when a newly hired officer shared his impressions of the people of the tribe. The chief said, “When you bring someone in and they work here a couple of months and they’re like, ‘Oh my god, these people,’ and I’m sitting here like, ‘Hey, you work for these people’” (personal communication, March 24, 2015). While most of the chiefs shared that things were getting better in their departments as far as working with non-Native law enforcement partners, they said that there still are significant problems that need to be addressed. Some of the most pressing issues shared included having the same arrest and jurisdictional authority as any other law enforcement agency and being recognized as equals with their non-Native police counterparts. Many of the chiefs also shared that they understood some of the issues that prevented them from overcoming some of their challenges, but many still could not understand why most of the

problems still existed. One chief said he had asked one agency why they would not cross-deputize his officers. When I asked him why, he said, “Well the rumor, what you hear is, they won’t really give you the absolute answer because they just want to; but the real reason is, they’re afraid they’re going to give us state authority” (personal communication, July 16, 2015).

Another chief shared a similar story, stating, “I always try to lay it out to the sheriffs, that the sheriffs are big on control, but they lose control when they don’t cross-deputize; if they cross-deputize they have control, we’re functioning under their authority. But they won’t cross-deputize” (personal communication, March 27, 2015).

It was clear from interviewing Native American tribal police chiefs that they continued to face significant challenges and obstacles in their daily police operations. Legal challenges remain one of the most significant challenges with which chiefs consistently have to deal. They shared compelling stories and lived experiences that demonstrate the U.S. legal system continues to place their departments at risk. Based on the stories shared, it appears that the challenges will not likely go away anytime soon. Despite the significant challenges, tribal police chiefs continue to make significant strides in serving their tribal communities and working hard to ensure that their tribes remain safe.

Summary

In this chapter, I briefly described current Native American law enforcement departments. I shared the findings of this research study and some of the stories and lived experiences of Native American tribal police chiefs working in Indian Country. The four predominant themes that emerged were:

1. The U.S. legal system has had a significant influence on the operations of today's tribal police departments and their adherence to tribal culture, tradition, and sovereignty.
2. Tribal police chiefs and their departments have unequal police authority and power in Indian Country.
3. Jurisdictional restrictions created by the U.S. legal system have created complex, confusing, and challenging conflicts for tribal police chiefs.
4. The U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments.

The predominant themes that emerged from the data were linked to the research in Chapter 3, the literature review. The emerging themes in Chapter 4 described the stories and rich lived experiences of the study participants. Chapter 5 connects the data findings to the three research questions and the current literature. Reflections on the research and findings are included in Chapter 5.

Chapter Five: Summary, Discussion, and Implications

The purpose of this multi-case study was to explore the stories and lived experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between Native American tribal policing and the U.S. legal system. This chapter summarizes the findings of this case study and discusses those findings based on the research questions and how they related to the literature. This chapter also discusses the potential implications and limitations associated with this research, and concludes with offering recommendations and final thoughts for further practice and research initiatives.

The need for this study is based on the limited amount of research that has been conducted on Native American police leadership. This lack of research on the significant legal challenges facing tribal police chiefs may be putting tribal police departments at risk due to the lack of awareness and understanding by tribal and nontribal partners and other supporting agencies. Although there have been limited efforts in researching Native American policing in Indian Country, most of the research that can be found is directed toward criminal activity, crime statistics, and the effects of crime on Native Americans and tribal communities. Little research exists on tribal police leadership, the challenges chiefs face, and the administration and practice of administering a tribal police department. As a result of the lack of research related to tribal policing, specifically tribal police leadership, little progress has been made in exploring the full extent of the legal challenges currently facing tribal police chiefs, how they navigate through those challenges, and how to better train and prepare them to be successful in dealing with those legal challenges. The following sections of this chapter will share the findings that resulted from

this research, provide insights into unexpected surprises, and discuss whether the premise for this study was founded.

Research Summary and Discussion

This section focuses on the findings of this research by providing an analysis of those findings based on the two primary research questions used in this study. The data collected in this multi-case study occurred through the use of in-depth, open-ended interviews, peer review, member checking, and the review of related documents and archival records from different sources, including transcripts, interviews, U.S. legal codes, tribal codes, tribal constitutional documents, personal journals and notes, and other supporting and related documents that emerged during the research process. These data sources were used to analyze each case and then to cross-analyze cases collectively to identify dominant themes, unique or surprising details, and personal reflections and thoughts.

The research questions that were presented to participants provided a framework that allowed for the detailed collection and analysis of the data, which resulted in the research findings. The two following research questions were: (a) How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them? (b) How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations? To cross-analyze the data across the seven cases, the responses given by each of the participants to the two questions were coded to form relevant topics and categories. The topics and categories were then merged to form the following four themes:

1. The U.S. legal system has had a significant influence on the operations of today's tribal police departments and their adherence to tribal culture, tradition, and sovereignty.
2. Tribal police chiefs and their departments have unequal police authority and power in Indian Country.
3. Jurisdictional restrictions created by the U.S. legal system have created complex, confusing, and challenging conflicts for tribal police chiefs.
4. The U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments.

The four themes that emerged were finally reviewed and compared back to the context of the two primary questions and summaries of all additional data sources to form the research findings. The results of the findings and any unexpected results are shared in the following section.

Research Question 1. *How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them?* This research question explored how the U.S. legal system has conflicted with a tribal police chief's ability to adhere to tribal traditions in the daily operations of their police departments. The rationale for this question was to gain a better understanding of the systemic conflicts and challenges that are created for tribal police chiefs as a result of following the U.S. legal system, and the extent of influence that these conflicts and challenges have on their ability to provide tribal police services. The goal of the research question was to explore and understand the essence of tribal police chiefs' ability to adhere to tribal traditions while working within a conflicting U.S. legal

system and the extent of conflict that has been created for them. The following section provides a discussion of the findings contained in the themes that resulted from the responses provided in Question #1.

Theme 1. The first theme that emerged was that the U.S. legal system has had a significant influence on the operations of today's tribal police departments and their adherence to tribal culture, tradition, and sovereignty. The data in this first question revealed dramatic influences of the U.S. legal system on tribal police departments that I did not fully anticipate or expect. Although the focus of Question #1 was to examine the influences of the U.S. legal system on tribal traditions, culture, and sovereignty, when asked Question #1, all seven of the participants shared that the U.S. legal system had influenced their tribal police operations, but not as it substantially related to tribal traditions, culture, and sovereignty. Instead, the responses given by tribal police chiefs indicated that the U.S. legal system has had a profound influence on the development and administration of their tribal police operations mainly to conform to Western policing practices and comply with and follow State and Federal mandates.

It appeared from comments made by chiefs that their understanding of the early development of their tribal police departments was limited, but did acknowledge that they were influenced by the U.S. legal system in that they adopted U.S. laws and regulations in order to meet and conform to State and Federal mandates. These mandates moved a tribe's policing efforts toward a Westernized policing model based on U.S. laws and policing protocols, which may have overlooked or exempted traditional and cultural ways of administering tribal justice. Although all chiefs acknowledged the importance of tribal traditions and followed tribal codes in the administration of their operations, many were limited in the application of those codes due to

mandatory U.S. laws that superseded those codes or restricted their tribal enforcement activities under the law.

One area that was specifically identified as not being a major problem caused by the influence of the U.S. legal system was tribal sovereignty. While jurisdictional challenges were a significant issue and will be discussed in depth later, chiefs did not directly equate jurisdictional challenges with sovereignty issues. The chiefs shared that, in their police operations, tribal sovereignty was not a significant issue, and all stated that they were able to balance tribal sovereignty with the administration of their police operations. Chiefs, however, shared that there did remain a great deal of confusion and misunderstanding by nontribal entities as to what sovereignty means in the administration of their tribal operations and this may have contributed to the confusion between tribal jurisdiction and tribal sovereignty.

All of the chiefs shared their own unique stories and examples that surrounded the issue of sovereignty. Although chiefs were able to operate their departments while maintaining sovereignty, this required them to constantly be working to ensure that other nontribal agencies were informed and aware of the unique differences that existed between tribal jurisdiction and tribal sovereignty. One chief echoed this sentiment, stating, “So for us it’s that push to get out there and try to be team players and work and try to make people aware and understand this is a sovereignty no different than going into Canada or Mexico. We have certain rules and regulations” (personal communication, May 2, 2015).

In the discussions on the influences of the U.S. legal system on tribal traditions, culture, and sovereignty, chiefs shared that there were several legal implications associated with those

areas, but there was also additional emphasis on the creation of unequal laws and enforcement restrictions that resulted from an opposing and contradictory legal system.

Theme 2. The second theme that emerged was that tribal police chiefs and their departments have unequal police authority and power in Indian Country. Looking closer at the influences of the U.S. legal system on tribal police operations, the data revealed that tribal police departments are operating under an unequal set of U.S. laws and are restricted in their police power and authority. Chiefs indicated that their police departments operated under differing legal standards than their nontribal police counterparts. The application of the different legal standards required them to operate their departments differently in that they had to pay special attention to their legal power and police authority. For example, in tribal policing, all tribes are given the authority only to enforce misdemeanor crimes. As stated by McKnight (1998), “The Indian Civil Rights Act limits the punishment these tribes may impose to a maximum \$5,000 fine. As a practical matter, this means that the tribes may only prosecute minor crimes (misdemeanors and gross misdemeanors) committed on their lands” (p.37).

It should be noted that, while tribal police departments are given only misdemeanor arrest authority, there are other options such as county, state, and local cross-deputization agreements, and federal special law enforcement commissions that they can obtain, but these are at the discretion of the granting agency and greatly vary from tribe to tribe and state to state.

In addition to the differences in authority as they relate to the level of criminal offenses, chiefs consistently commented on the disparity that exists in their ability to make arrests. Chiefs made several comments on the complications associated with power and arrest authority problems that currently exist within the U.S. legal system. Many of the problems they are

experiencing in their departments are the direct result of past restrictive laws and legal decisions. Some of the significant legal decisions that impacted tribal policing included the passing of the Dawes Act (1887), the Indian Civil Rights Act (1968), and the Oliphant Decision (1978).

Providing confirmation of the chiefs' comments, McKnight (1998) stated, "Specifically, the Court ruled that, absent congressional authority, tribes may not exercise criminal jurisdiction over crimes committed against Indians on Indian land by non-Indians" (p. 37). As two chiefs said, the problems associated with unequal and confusing power and authority for tribal police departments include that it threatens public safety and puts officers in harm's way.

Theme 3. The third theme that emerged from question one was that jurisdictional restrictions by the U.S. legal system have created complex, confusing and challenging conflicts for tribal police chiefs. Looking closer at the influences of the U.S. legal system on tribal police operations, the data revealed that tribal police departments are heavily restricted in their police jurisdictional authority.

The data revealed that Native American police chiefs face a multitude of leadership problems associated with operating under complex and confusing jurisdictional restrictions that have been created by the U.S. legal system. When looking at the relationship between sovereignty and jurisdiction and the problems that currently exist for tribal police chiefs on this topic, it is important to first try to understand the historical underpinnings of how sovereignty was interpreted and viewed by non-Indians. As stated by Rosen (2007): "When whites used the term tribal sovereignty in the early republic, even when they claimed to be translating the words into ideas of Indians, they most often were presuming a form of limited Indian sovereignty, not full and exclusive sovereignty" (p. 22).

This idea of limited sovereignty and the early views and understandings of tribal criminal jurisdiction over Indians is illustrated in Table 5 (Rosen’s Table 1). This table provides a historical reference as to how states with the highest populations of Indians in 1860 exerted their right to have criminal jurisdiction over Indian populations.

Table 5
State Laws Pertaining to Indians in States with the Largest Populations of Indians in 1860 (1790–1880)

The State Sovereignty Argument

TABLE 1. State laws pertaining to Indians in states with the largest populations of Indians in 1860 (1790–1880)

	<i>Year State Admitted to Union</i>	<i>“Civilized” Indians, 1860</i>	<i>“Unenu- merated” Indians, 1860</i>	<i>Total Indians, 1860</i>	<i>Criminal Jurisdiction*</i>	<i>Civil Regulation of Indians**</i>
California	1850	17,798	13,540	31,338	X	X
Minnesota	1858	2,369	17,900	20,269	X	X
Michigan	1837	6,172	7,777	13,949	X	X
Kansas	1861	180	8,189	8,369	X	X
Oregon	1859	177	7,000	7,177		
New York	1788	140	3,785	3,925	X	X
Wisconsin	1848	1,017	2,833	3,850	X	X
North Carolina	1789	1,158	1,499	2,657	X	X

*State laws asserting at least jurisdiction over Indian defendants outside of any reservation or jurisdiction over white defendants on a reservation. “X” indicates existence of at least one such law in the state.

**State laws regulating land sales, trades, contracts, or lawsuits of Indians. “X” indicates existence of at least one such law in the state.

Note. Reproduced from Rosen, Deborah A., *American Indians and state law: Sovereignty, race, and citizenship, 1790–1880*, by permission of the University of Nebraska Press. Copyright 2007 by the Board of Regents of the University of Nebraska.

The long-held understanding that states, in contradiction to a tribe’s exerting of its sovereignty, had criminal jurisdiction rights over Indians was a major problem and one that is

still experienced, as shared by chiefs. As stated previously by one chief, “Our biggest challenge here is jurisdiction. . . . We do not have any jurisdiction over any non-tribals, whether it’s public safety or not”(personal communication, March 27, 2015). While the issue of sovereignty and jurisdiction was discussed as a problem, chiefs shared that there were also several indirect legal problems associated to jurisdictional issues.

As evidenced by the passing of the Oliphant decision (1978), criminal jurisdiction in Indian Country remains a major challenge for tribal law enforcement agencies. Of all of the legal challenges that were identified by chiefs in this study, jurisdiction was most often shared as being a reoccurring problem. Other problems that were identified as related to sovereignty covered a wide range of issues, including the sharing of information. The problem related to the sharing of information and records for most tribes is that, with their tribal sovereignty, tribes and tribal police departments are not required to share or release information. The problem surrounds the conflicts that exist in whether tribal police agencies have to share information with nontribal entities and to what extent that release of information goes. This problem and others continue the challenge a tribe’s sovereign right in how to regulate this and other tribal policing practices

Theme 4. The fourth theme that emerged from question one was that the U.S. legal system has created an environment of bias and restrictive policing practices for tribal police chiefs and their departments. It is apparent from the data that the U.S. legal system has created an environment of bias and heavily restricted policing practices. Chiefs consistently shared their stories and provided examples of the bias that have been perpetuated by restrictive laws. It is unfortunate that with all of the efforts that tribal police departments have made to overcome

restrictive laws, legal decisions, and historical views of Native Americans, there still remains a great deal of bias. As discussed previously in this study and reinforced from my interviews and the literature, Native American police chiefs continue to face complex leadership problems which challenge their ability to overcome the historical implications of bias and racial discrimination. Native American chiefs face difficult and unparalleled challenges related to bias and discrimination and combined with budget, personnel, pay inequality, greater workload, higher rates of crime, and larger geographic responsibilities, tribal policing as Green and Gabbidon (2009) stated, “leaves much to be desired” (p. 809).

Conclusions to First Question

Jurisdictional inequalities and restrictions that have been created by the U.S. legal system was the most consistent finding in this study. Tribal police departments are challenged with a myriad of legal complexities in determining where, how, and over whom they have legal authority. The ability of Native American police chiefs to address these legal complexities far exceeds their authority as tribal police executives. How tribal police chiefs deal with the U.S. legal system complexities varied from chief to chief and some even acknowledged that they were forced to accept the system as it was. The wide range of jurisdictional legal challenges that chiefs faced left them in vulnerable positions, with them trying to figure out what works best for their departments and tribes. For tribal police chiefs to overcome the U.S. legal challenges they identified in this study they need the support and participation of their non-tribal partners. These non-tribal partners can assist tribal police chiefs in gaining legal authority thus reducing the jurisdictional and authority restrictions that currently exist in Indian Country. Building strong and sustainable partnerships through open communication is one way to begin these efforts.

Additional results of the data from question #1 also indicate that the U.S. legal system has heavily influenced the development and operations of today's tribal police departments. Through this influence, tribal police departments are forced to rely on Western policing practices and confusing and conflicting laws and legal systems instead of adhering to tribal cultural, traditional, and historical tribal based justice and policing practices. Although the legal influences and challenges shared by chiefs were not specifically identified as impacting tradition, culture, and sovereignty, the data indicate that this result can be attributed to the heavy influences that the U.S. legal system has had on the early creation of law enforcement services in Indian Country. One reason that chiefs may not have identified the U.S. legal system's implications and heavy influence on tribal culture and traditions within their tribal police departments was the financial difficulties that tribes have historically faced, and continue to face. Many of the tribes that wanted to, or currently want to, lack the financial resources to provide law enforcement services. This lack of funding required tribes to seek out federal assistance, but this assistance was limited unless they gained federal recognition status.

For many tribes, gaining federal recognition guaranteed that they would qualify for "virtually all federal Indian programs" (Pevar, 2012, p. 19). One such federal program was access to federal funds that would allow tribes to have access to either federal- or tribal-administered law enforcement services. Having control of the federal funds needed to administer tribal law enforcement operations, the federal government had a great deal of influence and power over how tribal law enforcement services were administered, which still exists to this day.

Other data collected in question #1 indicate that there are two specific laws that may currently be impacting tribal police culture, tradition, and sovereignty. These two laws are

Public Law 280 (PL-83-280) (1953) and Public Law 638 (PL-93-638) (1975). PL-280 was passed “as part of a larger effort to terminate American Indian tribes, and gave States the power to enforce the same criminal laws within Indian country as they did outside of Indian country” (Wakeling et al., 2001, p. iv). PL-638 afforded tribes the opportunity to establish their own government functions by contracting with the BIA. The contracting with BIA’s Division of Law Enforcement Services required tribes to allow the BIA to establish the department’s framework and performance standards (Wakeling et al., 2001). The above comments are consistent with examples provided by chiefs and the acknowledgement of the continued influence that the BIA has over tribal policing operations and their ability to incorporate tribal traditions and culture.

Finally, it appears from the data in Question #1 that the U.S. legal system continues to create an environment of bias and discrimination between tribal and non-tribal law enforcement agencies. With restricted police power and authority, jurisdictional limitations, and legal inequalities, tribal police departments are at a severe disadvantage in keeping up with their non-Native counterparts and being seen as equals. The continued intervention of the federal government through the mandated use of U.S. legal influence over tribal police departments is apparent and remains a significant problem for tribal police chiefs and their departments.

Research Question 2. *How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within contradictory, opposing, or restrictive U.S. laws and regulations?* The rationale for this question was that tribal police chiefs are instrumental in ensuring that tribal traditions are included in their operations. The goal of this research question was to discover and understand how tribal police chiefs provide leadership to overcome systemic conflicts and challenges in order to support and

promote tribal traditions and sovereignty. The findings in Question #2 did not identify any new or additional themes beyond those identified as a result of question #1. Question #2 did however provide additional insights and stories helping to confirm the themes that emerged as a result of Question #1. The following section provides a discussion of the findings which resulted from the responses provided in Question #2.

All of the chiefs provided insights into the leadership challenges they faced on a daily basis, but most said that promoting traditions and culture from their perspective was not a significant problem they had to deal with on a regular basis. Chiefs acknowledged that there were several legal challenges facing their departments but they were able to practice tribal traditions and culture giving examples of how this was accomplished. It should be noted that most of the examples given were directed towards personal examples of practicing traditions and culture outside the official duties and capacity of a tribal police officer.

In asking chiefs about their ability to adhere to tribal traditions and culture within their departments, it should also be noted that six of the seven chiefs interviewed had gained their law enforcement experience outside of tribal policing reservation. Those six chiefs also acknowledged that they had moved away from their tribe and that their previous experience was not associated with their tribes, for which they are now working. Although all chiefs selected in this study were Native Americans, and all were now working for their affiliated tribes, chiefs shared that their previous nontribal law enforcement experience and time spent away from their tribes may have influenced how they currently view tribal traditions and culture within their departments.

The previous nontribal law enforcement experience and resulting time spent away from their tribes may have influenced some of the chiefs' responses when answering questions in this study.

In light of the past experiences of chiefs, as mentioned above, the chiefs provided many examples of how their department's personnel engaged in traditional activities and practices. These examples included members of the department being a part of a tribal drumming group, encouraging officers to attend all powwow ceremonies and celebrations, participating in tribal veteran association programs, and talking and learning from tribal elders and members of the community. Chiefs shared that while limited, many of their departments had cultural training programs and opportunities for their officers to learn more about tribal culture and traditions.

Chiefs gave several examples that supported their comments that the U.S. legal system had not restricted them in their ability to personally adhere to tribal traditions and culture within their tribe. The data revealed in Question #2 shows that although tribal police chiefs did not identify specific legal challenges restricting their ability to promote, and support tribal traditions and culture, outside of their department, they did acknowledge that the U.S. legal system has had a heavy influence on how their departments operate in relationship to tribal culture and tradition within their departments.

Conclusions to Second Question

The data revealed that, while chiefs acknowledged that the U.S. legal system has not prohibited them from adhering to culture, traditions, and sovereignty, it appears these practices are limited to personal engagement outside the department. It also appears that the heavy influence of working in non-tribal police agencies by most of the chiefs has influenced their

perspective of how traditional tribal policing practices may have been incorporated into tribal forms of justice. The results of the data indicate that the U.S. legal system continues to have a heavy influence on the maintenance of tribal culture and tradition within tribal police operations. Data in Question #2 revealed that tribal police departments are forced to rely on Western policing practices and a set of confusing and conflicting laws and legal restrictions instead of being able to adhere to historical tribal justice and policing approaches.

From the responses given in Question #2 it appears that the continued influence of the U.S. legal system on tribal policing operations limits a tribe's ability to follow or maintain traditional and cultural justice practices. If tribal police chiefs and their departments are going to be able to maintain or regain important traditional and cultural values within their operations U.S. legal system restrictions must be revisited, amended, or changed.

Unexpected Results.

It was expected that during this research study conflicts between the U.S. legal system and tribal traditions, culture, and sovereignty would emerge. It was also expected that tribal police chiefs would be challenged in adhering to tribal traditions, culture, and sovereignty in the daily operations of their departments. The findings did not fully support either expectation. The findings revealed that although tribal traditions, culture, and sovereignty were important, these were not significantly impacted for chiefs in the administration of their day-to-day operations.

The findings instead revealed that the U.S. legal system continues to have a significant impact on a tribal police department's ability to equally enforce laws and operate in Indian Country, as do other nontribal law enforcement agencies. As top administrators in tribal police departments, chiefs recognized many of the challenges they are facing, but some could not

understand why the disparity between tribal police departments and nontribal police departments still had to exist. Despite the unequal nature of the U.S. legal system and its implications on current tribal policing operations, the findings were both encouraging and concerning, as it raises legal and safety concerns for police chiefs and their officers. Because the U.S. legal system is so complex and confusing as it applies to Indian Country, police chiefs are forced to put their departments' operations and personnel at risk. One significant point that resulted from findings in this study was that as Native Americans leading tribal police departments, chiefs understand the implications of the risks and consequences of their actions on their tribe. This understanding was not just from a law enforcement leadership position, but from a tribal member's perspective. Being a tribal member and having that perspective was key to helping chiefs navigate through the complexities of the U.S. legal system to ensure that the least amount of harm was caused for their departments and their tribes.

Implications for Practice

This section provides the possible limitations of the research design, and also presents, implications for further research and the recommendations for practice based on study findings.

Limitations. The purpose of this study was to explore the stories and lived experiences of Native American police chiefs who have faced the systemic conflicts and challenges created between Native American tribal policing and an opposing U.S. legal system. It sought to understand the essence of tribal police chiefs' experiences in working within the U.S. legal system and the extent of conflict that has been created for them. It further sought to examine how tribal police chiefs navigate and provide effective leadership as they work to maintain tribal culture, traditions, and sovereignty within their departments.

This research study used a multi-case study design. In multiple case study research, single cases are of interest, as they share common characteristics or conditions and are categorically bound together (Stake, 2006). Although the multi-case study was ideal for examining each case and cross-analyzing cases to identify interrelationships and the binding concept or idea within the context of Native American police chiefs, the approach presented limitations. The multi-case study data collected in this research study was based only on qualitative data and was limited to the perceptions of seven Native American police chiefs. Limiting the study to Native Americans may have reduced the opportunity to generalize these results across tribal police departments. Although the research design used in this study ensured that the results are fairly reliable, a larger research study should be conducted to substantiate the findings and support the conclusions drawn.

Another potential limitation for this study was the past experiences of tribal police chiefs who had gained their experience outside of tribal police departments. Because six of the seven chiefs interviewed had gained their law enforcement experience outside of a tribal police department, this may have influenced their views on tribal traditions, culture, and sovereignty as related to the research topic. Future studies exploring the impacts of the U.S. legal system on tribal traditions, culture, and sovereignty would need to address this limitation.

Finally, the possibility exists for personal bias. I have worked in law enforcement–related positions for more than 25 years and have trained tribal police personnel from a number of different tribes. Although I have no direct tribal law enforcement experience, I have witnessed the hardships and harsh environments in which tribal law enforcement officers have to work. During this study I paid special attention to my personal opinions and biases, noting them

in an effort to set my feelings and assumptions aside. To further mitigate bias and gain more objectivity, future studies could be conducted by someone outside of tribal law enforcement.

Recommendations for future research studies. Several issues emerged from the data in this study. Many of these issues are complex and have far-reaching effects well beyond the scope and focus of this research project. When this research began, two primary questions were created to explore the complex, restrictive, and challenging nature of the U.S. legal system and its effects on Native American police chiefs and their departments. How far those legal challenges reached, however, was not clear until the end of this research. With the data that were gained in this study, it is clear that more research needs to be done in the area of tribal police leadership. This research provides a starting point for others who may follow. Based on the findings, the following recommendations may be helpful to both tribal and nontribal law enforcement leaders, academic professionals, state and tribal legislatures, tribal councils, and other agencies that have an active role in supporting law enforcement services:

Some recommendations for future research include the following:

1. This study should be expanded to include other levels of tribal police department personnel. The intent of this study was to focus on the legal challenges faced by Native American police chiefs, but gaining insights into a wider range of challenges by chiefs and other police department personnel could lead to a better understanding of the challenges facing tribal police departments. As in this study, participants should be interviewed and possible on-site visits conducted to collect their lived experiences and stories related to challenges they face in providing tribal police services.

2. This study revealed that Native American police chiefs who operate under the U.S. legal system have significant challenges related to their positions. A future study should be conducted with non-Native police chiefs to see whether their experiences in dealing with the legal system are similar. A study of other nontribal law enforcement leaders could reveal the differences in tribal police leadership and nontribal police leadership.
3. A future mixed methods study could be conducted to examine the implications of current tribal policing “calls for service” responses and its relationship to the action as a result of those responses.

Implications for practice

1. Work sessions or regional meetings should be conducted in the areas in which tribes are located. These sessions should be mandated for all agencies that receive federal funding related to tribal policing and justice administration. Sessions and meetings should be directed towards relationship building, problem solving, enhancing communication, and building multi-disciplinary teams. Participants should include elected officials, tribal council members, law enforcement administrators, community members, and academic practitioners. During work sessions and meetings participants should be allowed to share their experiences, challenges, and needs in order to clarify the issues facing tribal police departments. Recommendations should be made and “next steps” identified to resolve ongoing conflicts and challenges.
2. Native American police chiefs should have access to more culturally relevant leadership training. A national tribal leadership curriculum should be developed to

provide chiefs with the knowledge, skills, and abilities needed to navigate through complex tribal law enforcement leadership issues.

This study revealed that Native American police chiefs are highly dedicated professionals working under an unequal set of legal constraints and restrictive police powers. To allow them to fully administer the leadership duties and responsibilities expected of them by their tribes and peers, it is imperative that they be given the same policing power and legal authority granted to any other law enforcement professional. Lacking these two important aspects of their jobs has the potential for creating dangerous and harmful environments for their personnel and puts their tribal communities at risk. With all of the national attention being focused on the problems of nontribal police agencies, it is clear that Native American police chiefs can provide valuable leadership insights on how to mitigate or overcome those problems. As tribal law enforcement continues to advance, it is important to ensure that the police leaders who will lead those advances are on equal footing with all other executive law enforcement professionals.

Final Thoughts

This study was undertaken with the expectation of showing that the U.S. legal system has significantly impacted Native American police chiefs and their ability to adhere to tribal traditions, culture, and sovereignty. It sought to explore the stories and lived experiences of Native American police chiefs who have faced the ongoing systemic conflicts and challenges created between Native American tribal policing and an opposing U.S. legal system. It was expected that the research data would show the extent of conflict and the opposing nature of the U.S. legal system and how tribal police chiefs navigate and provide effective leadership as they worked to maintain tribal culture, traditions, and sovereignty within their departments.

As this research study progressed it was clearly evident that the U.S. legal system has created significant challenges and conflicts for Native American police chiefs and their departments. In this study, chiefs shared their personal stories and experiences as they described the legal inequalities, bias, and unfair police power and authority practices that their officers and departments must endure. Tribal police chiefs should be commended for the highest level of personal and professional commitment and dedication to their chosen profession. It was deeply gratifying to hear their stories during the interviews and to listen intently as they shared their respect for law enforcement and their tribes. The more I listened, the more I wanted to hear. As I read over the transcripts, it became clear to me that Native American police chiefs have achieved success but not without a cost. Whether success is gauged by lower crime rates, reduction in calls for service, or having safer communities, it is clear that a tribal police chief's success can be measured by his or her ability to perform at the highest levels and with the utmost integrity and respect for the tribe.

All seven of the police chiefs in this study exemplified a group of law enforcement professionals who had a sense of "giving back" to their people and to the profession of law enforcement. For varying reasons, chiefs found themselves back at home, giving back to what was given to them—a way of life, culture, and tradition. These tribal police chiefs have endured dangerous situations and unique circumstances that very seldom are encountered by their non-Native police counterparts. Although they face almost insurmountable challenges and obstacles that hinder their leadership abilities, they have risen to the challenge overcoming many of the obstacles that have been placed in their way.

The research data clearly demonstrates that Native American police chiefs face significant U.S. legal system challenges and recognize the significance of their positions and what it takes to successfully navigate through that often opposing and conflicting system. They have a driving passion and commitment for their tribes and in making Indian Country a safer and better place to live. The chiefs have a vision of how their departments can change and have positive impacts on tribal members, other law enforcement agencies, and the overall community. They understand that they are making a significant sacrifice to serve and protect, and that their actions have immediate and long-term implications on the law enforcement profession. I am truly grateful to every tribal law enforcement officer who has chosen to serve his or her community and for all the tribal police chiefs who took the time to share their stories and experiences associated with this research study.

I have found that this experience has enriched my understanding of tribal law enforcement, and I find myself continuously reflecting back on what the tribal police chiefs shared with me. This research study sought to find the impacts of the U.S. legal system on tribal traditions, culture, and maintaining sovereignty. It is clear that these areas meant a great deal to these tribal chiefs and that they instilled a great deal of pride in, and had respect for, their responsibility in persevering and maintaining these areas as a way of life.

The importance of tribal traditions, culture, and maintaining sovereignty was talked about in each interview, but the conflicts and impacts that the U.S. legal system has had on tribal policing was far more extensive than the researcher anticipated. With the multitude of problems shared by tribal police chiefs in this study, it is likely that they will continue to struggle and be disadvantaged in their efforts to provide effective tribal police services. Native American police

chiefs, like their ancestors, however, are more than able to meet the ongoing challenges facing them. I have no doubt that they will continue to advance the professionalism of law enforcement in their tribes and ensure that tribal traditions, culture, and sovereignty are maintained and protected for future generations.

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APPENDICES

Appendix A

Definition of Key Terms

The following key terms are defined within the literature review and provided here to clarify how they were used in this study.

Native American. A person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment (U.S. Census, 2000).

Tribal Police Chief. The chief of police is the top public safety administrator for a tribal-led police agency, which is responsible for the preservation of peace within the community, protection of life and property, enforcement of tribal ordinances, and enforcement of state and federal laws where applicable.

Tribal Traditions. Native American tribal traditions are those traditions that are deeply rooted in Native American culture, spiritual compact, tribal will, and customary/traditional worldview (Ross & Gould, 2006).

U.S. Criminal Justice System. Typically refers to law enforcement, courts, corrections, and juvenile justice (Ross & Gould, 2006).

Federal Indian Reservation. A federal Indian reservation is an area of land reserved for a tribe or tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of the tribe (BIA, 2014).

Indian Country. “Indian Country” in 18 U.S.C. § 1151 (1976) is as follows: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government,

notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Appendix B

Interview Question Guide

The sets of questions below were administered during the interview phase of the research.

All interviewees were asked these open-ended questions, and follow-up questions were added as identified or needed. Details of the interview process are outlined in this dissertation.

Foundational question #1: How are U.S. legal system challenges affecting tribal culture, traditions, and sovereignty, and how do tribal police chiefs address them?

1. What is the greatest challenge you face as a tribal police chief at a tribal police department?
2. How do you address this challenge?
3. What other challenges do you face?
4. How do you address them?
5. How do you communicate these challenges with others?
6. How do you advocate for tribal policing services?

Foundational question #2: How do tribal police chiefs maintain and/or support tribal traditions and culture within the tribal police department despite working within a contradictory, opposing, or restrictive U.S. laws and regulations? Supporting questions:

1. How do you decide which laws to apply (tribal / non-tribal) when required to administer tribal justice within the tribal community?
2. What types of U.S. legal restrictions create the most difficulty in administering tribal justice?
3. How were these restrictions identified?
4. What leadership methods do you use to overcome these restrictions?
5. How do you find resources to address these restrictions?
6. What are the most important tribal traditions that must be included in the administration and operations of your tribal police department?
7. How do you ensure that your staff is able to apply tribal traditions, sovereignty and non-tribal laws?
8. Does the tribal police department receive regular law and legal training to keep current on tribal and non-tribal laws?
9. How does the tribal police chief get input when dealing with law and legal issues?
10. How do you communicate law and legal issues and challenges with other tribal representatives or agencies?

Appendix C

OMB Control #1076-0153
Expiration Date: July 31, 2011

BUREAU OF INDIAN AFFAIRS CERTIFICATE OF DEGREE OF INDIAN OR ALASKA NATIVE BLOOD INSTRUCTIONS

All portions of the Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB) must be completed. You must show your relationship to an individual Indian listed on an Indian census roll, tribal base roll, Indian judgment fund distribution roll (Roll) that includes Indian blood degrees, or other document prepared and approved by the Secretary of the Interior (Secretary), or his/her authorized representative.

- Your degree of Indian blood is computed from ancestors of Indian blood who were listed on a Roll or other document acceptable to the Secretary, or his/her authorized representative.
- You must give the maiden names of all women listed on the Request for CDIB, unless they were enrolled by their married names.
- A certified copy of a birth certificate or other official documentation is required to establish your relationship to a parent(s) listed on Roll or other document acceptable to the Secretary.
- If your parent is not listed on a Roll or other document acceptable to the Secretary, a certified copy of your parent's birth or death certificate, or other official documentation is required to establish your parent's relationship to someone listed on such Roll. If your grandparent(s) were not listed on such Roll, a certified copy of the birth or death certificate or other official documentation for each grandparent who was the child of an enrolled member of a federally recognized Indian tribe is required.
- Certified copies of birth certificates, delayed birth certificates, and death certificates may be obtained from the State Department of Health or Bureau of Vital Statistics in the State where the person was born or died, or from a tribal office of Vital Statistic. The Indian tribe must have a duly adopted tribal ordinance concerning the issuance of such documents.
- In cases of adoption, the degree of Indian blood of the natural (birth) parent must be proven.
- Your request and supporting documents should be sent to the Agency from whom you receive services.
- Incomplete requests will be returned with a request for further information. No action will be taken until the request is complete.